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U.S. Congress

# ABRIDGMENT

OF THE

# DEBATES OF CONGRESS,

FROM 1789 TO 1856.

FROM GALES AND SEATON'S ANNALS OF CONGRESS; FROM THEIR  
REGISTER OF DEBATES; AND FROM THE OFFICIAL  
REPORTED DEBATES, BY JOHN C. RIVES.

BY

THE AUTHOR OF THE THIRTY YEARS' VIEW.

VOL. XV.

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# TWENTY-EIGHTH CONGRESS.—FIRST SESSION.

## PROCEEDINGS AND DEBATES

IN THE

## SENATE AND HOUSE OF REPRESENTATIVES.\*

### IN SENATE.

MONDAY, December 4, 1843.

This being the day fixed by the constitution for the meeting of the 1st session of the 28th Congress, the Senate met, and was called to order at 12 o'clock by Mr. MANGUM, President.

#### \* LIST OF MEMBERS OF THE SENATE.

*Maine.*—John Fairfield, George Evans.  
*New Hampshire.*—Levi Woodbury, Chas. G. Atherton.  
*Vermont.*—Samuel Phelps, William C. Upham.  
*Massachusetts.*—Rufus Choate, Isaac C. Bates.  
*Rhode Island.*—William Sprague, James F. Simmons.  
*Connecticut.*—J. W. Huntington, John M. Niles.  
*New York.*—N. P. Tallmadge, Silas Wright.  
*New Jersey.*—W. L. Dayton, Jacob W. Miller.  
*Pennsylvania.*—D. W. Sturgeon, James Buchanan.  
*Delaware.*—E. H. Bayard, Thomas Clayton.  
*Maryland.*—Wm. D. Merrick,—vacancy.  
*Virginia.*—Wm. C. Rives, Wm. S. Archer.  
*North Carolina.*—Willie P. Mangum, W. H. Haywood, Jr.  
*South Carolina.*—Daniel E. Huger, George McDuffie.  
*Georgia.*—John M. Berrien, Walter T. Colquitt.  
*Alabama.*—William B. King, Arthur P. Bagby.  
*Mississippi.*—John Henderson, Robert J. Walker.  
*Louisiana.*—Alexander Barrow, Alexander Porter.  
*Tennessee.*—E. H. Foster, Spencer Jarnagan.  
*Kentucky.*—John T. Morehead, John J. Crittenden.  
*Ohio.*—Benjamin Tappan, William Allen.  
*Indiana.*—Albert S. White, Ed. A. Hannegan.  
*Illinois.*—James Semple, Sidney Brees.  
*Missouri.*—T. H. Benton, D. R. Atchison.  
*Arkansas.*—Wm. S. Fulton, A. H. Sevier.  
*Michigan.*—A. S. Porter, W. Woodbridge.

#### LIST OF MEMBERS OF THE HOUSE OF REPRESENTATIVES.

*Maine.*—Joshua Herrick, Robert P. Dunlap, Luther Sev-  
erance, Hannibal Hamlin—3 vacancies.  
*Massachusetts.*—Robert C. Winthrop, Daniel P. King,  
William Parmenter, Charles Hudson, John Quincy Adams,  
Henry Williams, Joseph Grinnell—3 vacancies.

### HOUSE OF REPRESENTATIVES.

MONDAY, December 4.

The House of Representatives was called to order precisely at 12 o'clock, by MATTHEW ST. CLAIR CLARKE, their Clerk, who stated to the House that he would proceed to call the roll of the members.

*New Hampshire.*—Edmund Burke, John E. Reding, John P. Hale, Moses Norris, Jr.

*Rhode Island.*—Henry Y. Cranston, Elisha R. Potter.

*Connecticut.*—Thomas H. Seymour, John Stewart, Geo. S. Catlin, Samuel Simons.

*Vermont.*—Solomon Foot, Jacob Collamer, George P. Marsh, Paul Dillingham, Jr.

*New York.*—Selah B. Strong, Henry C. Murphy, J. Phil-  
lips Phoenix, Wm. B. MacLay, Moses G. Leonard, Hamilton  
Fish, Jos. H. Anderson, R. D. Davis, Jas. G. Clinton, Jerem-  
iah Russell, Zadock Pratt, David L. Seymour, Daniel D.  
Bernard, Wm. G. Hunter, Lemuel Stetson, Chesaelden Ellis,  
Charles S. Benton, Preston King, Orville Hungerford, Sam-  
uel Beardsley, J. E. Cary, S. M. Purdy, Orville Robinson,  
Horace Wheaton, George Rathbun, Amasa Dana, Byram  
Green, Thos. J. Patterson, Charles H. Carroll, Wm. S.  
Hubbell, Asher Tyler, Wm. A. Moseley, Albert Smith,  
Washington Hunt.

*New Jersey.*—Lucius Q. C. Elmer, George Sykes, Isaac  
G. Farlee, Littleton Kirkpatrick, Wm. Wright.

*Pennsylvania.*—Edward J. Morris, Joseph B. Ingersoll,  
John T. Smith, Charles J. Ingersoll, Jacob S. Yost, Michael  
H. Jenks, Abrah. B. McIlvaine, Jeremiah Brown, John  
Ritter, Rich. Bredhead, jr., Benj. A. Bidlack, Almon H.  
Read, Henry Frick, Alexander Ramsey, Henry Nes, James  
Black, James Irvin, Andrew Stewart, Henry D. Foster,  
John Dickey, William Wilkins, Samuel Hays, Charles M.  
Read, Joseph Buffington.

*Delaware.*—George B. Rodney.

*Maryland.*—Not elected.

*Virginia.*—Archibald Atkinson, George C. Dromgoole,  
Walter Coles, Edmund Hubbard, Thomas W. Gilmer, John  
W. Jones, Henry A. Wise, Willoughby Newton, Samuel  
Chilton, William F. Lucas, William Taylor, A. A. Chapman,  
Geo. W. Hopkins, Geo. W. Summers, Lewis Stearned.

*North Carolina.*—Thomas J. Clingman, D. M. Barringer,

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*The President's Message.*

[28TH CONG.]

The members were then sworn in, and afterwards some others who arrived at a later hour of the day.

A message was received from the Senate by ASBURY DICKINS, Esq., their Secretary, stating that a quorum of that body had assembled, and were ready to proceed to business.

The SPEAKER then said that the members of the House would be called by States in order to be sworn; which was accordingly done.

The House being thus organized—

Mr. DROMGOOLE offered the following, which was considered, and adopted :

*Resolved*, That a message be sent to the Senate, to inform that body that a quorum of the House of Representatives have assembled, and have elected JOHN W. JONES, of Virginia, their Speaker, and are ready to proceed to business.

Mr. C. J. INGERSOLL offered the following resolution; which was considered, and adopted :

*Resolved*, That a committee be appointed, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses of Congress have assembled, and are ready to receive any communication that he may be pleased to make.

The following is the vote for Speaker :

For JOHN W. JONES	-	-	-	128
" JOHN WHITE	-	-	-	59

#### IN SENATE.

TUESDAY, December 5.

The following Senators appeared in their seats to-day, viz: Mr. SEVIER, of Arkansas; Mr. BAYARD, of Delaware; Mr. McDUFFIE, of

David S. Reed, Edmund Deberry, R. M. Sanders, James J. McKay, J. E. Daniel, A. H. Arrington, Kenneth Rayner.

*South Carolina*.—James A. Black, Richard F. Simpson, Joseph A. Woodward, John Campbell, Artemus Burt, Isaac E. Holmes, R. Barwell Rhett.

*Georgia*.—E. J. Black, H. A. Haralson, J. H. Lumpkin, Howell Cobb, Wm. H. Stiles, Alexander H. Stephens, A. H. Chappell—1 vacancy.

*Kentucky*.—Lina Boyd, Willis Green, Henry Grider, George A. Caldwell, James Stone, John White, Wm. P. Thompson, Garrett Davis, Richard French, J. W. Tibbetta.

*Tennessee*.—Andrew Johnson, William T. Senter, Julius W. Blackwell, Alvan Cullum, George W. Jones, Aaron V. Brown, David W. Dickinson, James H. Peyton, Cave Johnson, John B. Ashe, Milton Brown.

*Ohio*.—Alexander Duncan, John B. Weller, Robt. C. Schenck, Joseph Vance, Emory D. Potter, Joseph J. McDowell, John I. Vanmeter, Elias Florence, Herman A. Moore, Jacob Brinkerhoff, Samuel F. Vinton, Perley B. Johnson, Alexander Harper, Joseph Morris, James Mathews, Wm. C. McCauslin, Ezra Dean, Daniel E. Tilden, Joshua R. Giddings, H. E. Brinkerhoff.

*South Carolina*; Mr. PORTER, of Michigan; and Mr. BERRIN, of Georgia.

A message was received from the House of Representatives, (by MATTHEW ST. CLAIR CLARKE, their Clerk,) informing the Senate that the House had organized, by the election of the Hon. JOHN W. JONES, of Virginia, Speaker, and that they were ready to proceed to business. Also, that they had, under a resolution adopted for that purpose, appointed Messrs. O. J. INGERSOLL, WISE, and THOMPSON of Mississippi, a committee on their part, to join such committee as might be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses of Congress had assembled and organized for business, and were ready to receive any communications he might be pleased to make to them; and the House asked the concurrence of the Senate in the resolution for the appointment of the joint committee.

Mr. PHELPS moved that the Senate concur in the message of the House for the appointment of a committee to wait on the President of the United States; and that the PRESIDENT appoint two Senators a committee on the part of the Senate for that purpose. The questions were put, and agreed to; and

The PRESIDENT appointed Mr. PHELPS, of Vermont, and Mr. KING, of Alabama, the said committee; who retired for the purpose indicated.

A Message in writing was received from the President of the United States, by the hands of John Tyler, jr., his secretary, at half-past one o'clock. It was read to the Senate as follows :

*To the Senate and*

*House of Representatives of the United States :*

If any people ever had cause to render up thanks to the Supreme Being for parental care and protec-

*Louisiana*.—John Sildell, Alcee Labranche, John B. Dawson, P. E. Bossier.

*Indiana*.—Robt. Dale Owen, Thomas J. Henley, Thomas Smith, Caleb B. Smith, Wm. J. Brown, John W. Davis, Joseph A. Wright, John Pettit, Samuel C. Sample, Andrew Kennedy.

*Illinois*.—Robert Smith, John A. McClernand, Orlando B. Ficklin, John Wentworth, Stephen A. Douglas, Joseph P. Hoge, J. J. Hardin.

*Alabama*.—James Dellet, James E. Belser, Dixon H. Lewis, William W. Payne, George S. Houston, Reuben Chapman, Felix McConnell.

*Mississippi*.—William H. Hammett, Jacob Thompson, Robert W. Roberts, Tighman M. Tucker.

*Missouri*.—James M. Hughes, James B. Bowlin, James H. Ralfe, John Jameson, Gustavus B. Bower.

*Arkansas*.—Edward Owen.

*Michigan*.—Robert McClelland, Lucius Lyon, James B. Hunt.

#### TERRITORIAL DELEGATES.

*Florida*.—David Levy.

*Wisconsin*.—Henry Dodge.

*Iowa*.—Augustus C. Dodge.



2nd Sess.]

The President's Message.

[December, 1848.

tion extended to them in all the trials and difficulties to which they have been from time to time exposed, we certainly are that people. From the first settlement of our forefathers on this continent—through the dangers attendant upon the occupation of a savage wilderness—through a long period of colonial dependence—through the war of the Revolution—in the wisdom which led to the adoption of the existing republican forms of government—in the hazards incident to a war subsequently waged with one of the most powerful nations of the earth—in the increase of our population—in the spread of the arts and sciences, and in the strength and durability conferred on political institutions emanating from the people and sustained by their will, the superintendence of an overruling Providence has been plainly visible. As preparatory, therefore, to entering once more upon the high duties of legislation, it becomes us humbly to acknowledge our dependence upon Him as our guide and protector, and to implore a continuance of His parental watchfulness over our beloved country. We have new cause for the expression of our gratitude in the preservation of the health of our fellow-citizens, with some partial and local exceptions, during the past season—for the abundance with which the earth has yielded up its fruits to the labors of the husbandman—for the renewed activity which has been imparted to commerce—for the revival of trade in all its departments—for the increased rewards attendant on the exercise of the mechanic arts—for the continued growth of our population, and the rapidly reviving prosperity of the whole country. I shall be permitted to exchange congratulations with you, gentlemen of the two Houses of Congress, on these auspicious circumstances, and to assure you, in advance, of my ready disposition to concur with you in the adoption of all such measures as shall be calculated to increase the happiness of our constituents, and to advance the glory of our common country.

Since the last adjournment of Congress, the Executive has relaxed no effort to render indelible the relations of amity which so happily exist between the United States and other countries. The treaty lately concluded with Great Britain has tended greatly to increase the good understanding which a reciprocity of interest is calculated to encourage, and it is most ardently to be hoped that nothing may transpire to interrupt the relations of amity which it is so obviously the policy of both nations to cultivate.

A question of much importance still remains to be adjusted between them. The territorial limits of the two countries in relation to what is commonly known as the Oregon Territory, still remain in dispute. The United States would be at all times indisposed to aggrandize themselves at the expense of any other nation; but while they would be restrained by principles of honor which should govern the conduct of nations as well as that of individuals, from setting up a demand for territory which does not belong to them, they would as unwillingly consent to a surrender of their rights. After the most rigid, and, as far as practicable, unbiassed examination of the subject, the United States have always contended that their rights appertain to the entire region of country lying on the Pacific, and embraced within 42° and 50° 40' of north latitude. This claim being controverted by Great Britain, those who have preceded the present Executive—actu-

ated, no doubt, by an earnest desire to adjust the matter upon terms mutually satisfactory to both countries—have caused to be submitted to the British Government propositions for settlement and final adjustment, which, however, have not proved heretofore acceptable to it. Our Minister at London has, under instructions, again brought the subject to the consideration of that Government; and while nothing will be done to compromise the rights or honor of the United States, every proper expedient will be resorted to, in order to bring the negotiation now in the progress of resumption to a speedy and happy termination. In the mean time it is proper to remark that many of our citizens are either already established in the territory, or are on their way thither, for the purpose of forming permanent settlements, while others are preparing to follow; and in view of these facts, I must repeat the recommendation contained in previous messages, for the establishment of military posts at such places on the line of travel, as will furnish security and protection to our hardy adventurers against hostile tribes of Indians inhabiting these extensive regions. Our laws should also follow them, so modified as the circumstances of the case may seem to require. Under the influence of our free system of government, new republics are destined to spring up, at no distant day, on the shores of the Pacific, similar in policy and feeling to those existing on this side of the Rocky Mountains, and giving a wider and more extensive spread to the principles of civil and religious liberty.

I am happy to inform you that the cases which have arisen from time to time, of the detention of American vessels by British cruisers on the coast of Africa, under pretence of being engaged in the slave-trade, have been placed in a fair train of adjustment. In the case of the *William and Francis*, full satisfaction will be allowed. In the cases of the *Tygris* and *Seamew*, the British Government admits that satisfaction is due. In the case of the *Jones*, the sum accruing from the sale of that vessel and cargo will be paid to the owners, while I cannot but flatter myself that full indemnification will be allowed for all damages sustained by the detention of the vessel; and in the case of the *Douglas*, Her Majesty's Government has expressed its determination to make indemnification. Strong hopes are therefore entertained that most, if not all of these cases, will be speedily adjusted. No new cases have arisen since the ratification of the treaty of Washington; and it is confidently anticipated that the slave-trade, under the operation of the eighth article of that treaty, will be altogether suppressed.

The occasional interruption experienced by our fellow-citizens engaged in the fisheries on the neighboring coast of Nova Scotia, has not failed to claim the attention of the Executive. Representations upon this subject have been made; but, as yet, no definite answer to those representations has been received from the British Government.

Two other subjects of comparatively minor importance, but nevertheless of too much consequence to be neglected, remain still to be adjusted between the two countries. By the treaty between the United States and Great Britain, of July, 1815, it is provided that no higher duties shall be levied in either country on articles imported from the other, than on the same articles imported from any other place. In 1836, rough rice, by act of Parliament, was admitted from the coast of Africa into Great Britain

on the payment of a duty of one penny a quarter; while the same article from all other countries, including the United States, was subjected to the payment of a duty of twenty shillings a quarter. Our Minister at London has, from time to time, brought this subject to the consideration of the British Government, but, so far, without success. He is instructed to renew his representations upon it.

Some years since, a claim was preferred against the British Government on the part of certain American merchants, for the return of export duties paid by them on shipments of woollen goods to the United States, after the duty on similar articles exported to other countries had been repealed, and consequently in contravention of the commercial convention between the two nations, securing to us equality in such cases. The principle on which the claim rests has long since been virtually admitted by Great Britain; but obstacles to a settlement have from time to time been interposed, so that a large portion of the amount claimed has not yet been refunded. Our Minister is now engaged in the prosecution of the claim, and I cannot but persuade myself that the British Government will no longer delay its adjustment.

I am happy to be able to say that nothing has occurred to disturb in any degree the relations of amity which exist between the United States and France, Austria, and Russia, as well as with the other powers of Europe since the adjournment of Congress. Spain has been agitated with internal convulsions for many years, from the effects of which it is to be hoped she is destined speedily to recover; when, under a more liberal system of commercial policy on her part, our trade with her may again fill its old, and so far as her continental possessions are concerned, its almost forsaken channels; thereby adding to the mutual prosperity of the two countries.

The Germanic Association of Customs and Commerce, which, since its establishment in 1833, has been steadily growing in power and importance, and consists at this time of more than twenty German States, and embraces a population of 27,000,000 of people, united for all the purposes of commercial intercourse with each other and with foreign States, offers to the latter the most valuable exchanges on principles more liberal than are offered in the fiscal system of any other European power. From its origin, the importance of the German Union has never been lost sight of by the United States. The industry, morality, and other valuable qualities of the German nation, have always been well known and appreciated. On this subject I invite the attention of Congress to the report of the Secretary of State, from which it will be seen that, while our cotton is admitted free of duty, and the duty on rice has been much reduced, (which has already led to a greatly increased consumption,) a strong disposition has been recently evinced by that great body to reduce, upon certain conditions, their present duty upon tobacco. This being the first intimation of a concession on this interesting subject ever made by any European power, I cannot but regard it as well calculated to remove the only impediment which has so far existed to the most liberal commercial intercourse between us and them. In this view, our Minister at Berlin, who has heretofore industriously pursued the subject, has been instructed to enter upon the negotiation of a commercial treaty, which, while it will open new ad-

vantages to the agricultural interests of the United States, and a more free and expanded field for commercial operations, will affect injuriously no existing interest of the Union. Should the negotiation be crowned with success, its results will be communicated to both Houses of Congress.

I communicate herewith certain despatches received from our Minister at Mexico, and also a correspondence which has recently occurred between the Envoy from that Republic and the Secretary of State. It must be regarded as not a little extraordinary that the Government of Mexico, in anticipation of a public discussion, which it has been pleased to infer, from newspaper publications, as likely to take place in Congress, relating to the annexation of Texas to the United States, should have so far anticipated the result of such discussion as to have announced its determination to visit any such anticipated decision by a formal declaration of war against the United States. If designed to prevent Congress from introducing that question as a fit subject for its calm deliberation and final judgment, the Executive has no reason to doubt that it will entirely fail of its object. The representatives of a brave and patriotic people will suffer no apprehension of future consequences to embarrass them in the course of their proposed deliberations. Nor will the Executive Department of the Government fail, for any such cause, to discharge its whole duty to the country.

The war which has existed for so long a time between Mexico and Texas has, since the battle of San Jacinto, consisted for the most part of predatory incursions, which, while they have been attended with much of suffering to individuals, and have kept the borders of the two countries in a state of constant alarm, have failed to approach to any definitive result. Mexico has fitted out no formidable armament, by land or by sea, for the subjugation of Texas. Eight years have now elapsed since Texas declared her independence of Mexico, and during that time she has been recognized as a sovereign power by several of the principal civilized States. Mexico, nevertheless, perseveres in her plans of reconquest, and refuses to recognize her independence. The predatory incursions to which I have alluded, have been attended, in one instance, with the breaking up of the courts of justice, by the seizing upon the persons of the judges, jury, and officers of the court, and dragging them along with unarmed, and therefore non-combatant citizens, into a cruel and oppressive bondage; thus leaving crime to go unpunished, and immorality to pass unproved. A border warfare is evermore to be deprecated, and over such a war as has existed for so many years between these two States, humanity has had great cause to lament. Nor is such a condition of things to be deplored only because of the individual suffering attendant upon it. The effects are far more extensive. The Creator of the Universe has given man the earth for his resting-place, and its fruits for his subsistence. Whatever, therefore, shall make the first, or any part of it, a scene of desolation, affects injuriously his heritage, and may be regarded as a general calamity. Wars may sometimes be necessary; but all nations have a common interest in bringing them speedily to a close. The United States have an immediate interest in seeing an end put to the state of hostilities existing between Mexico and Texas. They are our neighbors, of the same continent, with whom we are not only de-

[Mr. Sum.]

*The President's Message.*

[DECEMBER, 1848.]

sious of cultivating the relations of amity, but of the most extended commercial intercourse, and to practise all the rights of a neighborhood hospitality. Our own interests are deeply involved in the matter, since, however neutral may be our course of policy, we cannot hope to escape the effects of a spirit of jealousy on the part of both of the powers. Nor can this government be indifferent to the fact, that a warfare, such as is waged between those two nations, is calculated to weaken both powers, and finally to render them, and especially the weaker of the two, the subjects of interference on the part of stronger and more powerful nations, which, intent only on advancing their own peculiar views, may sooner or later attempt to bring about a compliance of terms, as the condition of their interposition, alike derogatory to the nation granting them, and detrimental to the interests of the United States. We could not be expected quietly to permit any such interference to our disadvantage. Considering that Texas is separated from the United States by a mere geographical line; that her territory, in the opinion of many, formed a portion of the territory of the United States; that it is homogeneous in its population and pursuits with the adjoining States, and makes contributions to the commerce of the world in the same articles with them; and that most of her inhabitants have been citizens of the United States; speak the same language, and live under similar political institutions with ourselves—this Government is bound, by every consideration of interest, as well as of sympathy, to see that she shall be left free to act, especially in regard to her domestic affairs, unawed by force, and unrestrained by the policy or views of other countries. In full view of all these considerations, the Executive has not hesitated to express to the Government of Mexico how deeply it deprecated a continuance of the war, and how anxiously it desired to witness its termination. I cannot but think that it becomes the United States, as the oldest of the American Republics, to hold a language to Mexico upon this subject of an unambiguous character. It is time that this war had ceased. There must be a limit to all wars; and if the parent State, after an eight years' struggle, has failed to reduce to submission a portion of its subjects standing out in revolt against it, and who have not only proclaimed themselves to be independent, but have been recognized as such by other powers, she ought not to expect that other nations will quietly look, to their obvious injury, upon a protraction of hostilities. These United States threw off their colonial dependence, and established independent governments; and Great Britain, after having wasted her energies in the attempt to subdue them for a less period than Mexico has attempted to subjugate Texas, had the wisdom and justice to acknowledge their independence; thereby recognizing the obligation which rested on her as one of the family of nations. An example thus set by one of the proudest, as well as most powerful nations of the earth, it could in no way disparage Mexico to imitate. While, therefore, the Executive would deplore any collision with Mexico, or any disturbance of the friendly relations which exist between the two countries, it cannot permit that Government to control its policy, whatever it may be, towards Texas; but will treat her—as by the recognition of her independence, the United States have long since declared they would do—as entirely independent of Mexico. The

high obligations of public duty may enforce from the constituted authorities of the United States a policy, which the course persevered in by Mexico will have mainly contributed to produce; and the Executive, in such a contingency, will, with confidence, throw itself upon the patriotism of the people to sustain the Government in its course of action.

Measures of an unusual character have recently been adopted by the Mexican Government, calculated in no small degree to affect the trade of other nations with Mexico, and to operate injuriously to the United States. All foreigners, by a decree of the 28d day of September, and after six months from the day of its promulgation, are forbidden to carry on the business of selling by retail any goods within the confines of Mexico. Against this decree our Minister has not failed to remonstrate.

The trade heretofore carried on by our citizens with Santa Fe, in which much capital was already invested, and which was becoming of daily increasing importance, has suddenly been arrested by a decree of virtual prohibition on the part of the Mexican Government. Whatever may be the right of Mexico to prohibit any particular course of trade to the citizens or subjects of foreign powers, this late procedure, to say the least of it, wears a harsh and unfriendly aspect.

The instalments on the claims recently settled by the convention with Mexico have been punctually paid as they have fallen due, and our Minister is engaged in urging the establishment of a new commission, in pursuance of the convention for the settlement of unadjusted claims.

With the other American States our relations of amity and goodwill have remained uninterrupted. Our Minister near the Republic of New Grenada has succeeded in effecting an adjustment of the claim upon that Government for the schooner "By Chance," which has been pending for many years. The claim for the brig "Morris," which had its origin during the existence of the republic of Colombia, and indemnification for which, since the dissolution of that republic, has devolved on its several members, will be urged with renewed zeal.

I have much pleasure in saying that the Government of Brazil has adjusted the claim upon that Government in the case of the schooner "John S. Bryan," and that sanguine hopes are entertained that the same spirit of justice will influence its councils in arriving at an early decision upon the remaining claims; thereby removing all cause of dissension between two powers whose interests are, to some extent, interwoven with each other.

Our Minister at Chili has succeeded in inducing a recognition by that Government of the adjustment effected by his predecessor of the first claims in the case of the "Macedonian." The first instalment has been received by the claimants in the United States.

Notice of the exchange of ratifications of the treaty with Peru, which will take place at Lima, has not yet reached this country, but is expected shortly to be received, when the claims upon that republic will doubtless be liquidated and paid.

In consequence of a misunderstanding between this Government and that of Buenos Ayres, occurring several years ago, this Government has remained unrepresented at that court, while a minister from it has been constantly resident here. The causes of irritation have, in a great measure, passed

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*The President's Message.*

[28TH CONG.]

away; and it is in contemplation, in view of important interests which have grown up in that country, at some early period during the present session of Congress, with the concurrence of the Senate, to restore diplomatic relations between the two countries.

Under the provisions of an act of Congress of the last session, a minister was despatched from the United States to China, in August of the present year; who, from the latest accounts we have from him, was at Suez, in Egypt, on the 26th of September last, on his route to China.

In regard to the Indian tribes residing within our jurisdictional limits, the greatest vigilance of the Government has been exerted to preserve them at peace among themselves, and to inspire them with feelings of confidence in the justice of this Government, and to cultivate friendship with the border inhabitants. This has happily succeeded to a great extent; but it is a subject of regret that they suffer themselves, in some instances, to be imposed upon by artful and designing men—and this, notwithstanding all the efforts of the Government to prevent it.

The receipts into the treasury for the calendar year 1843, exclusive of loans, were little more than eighteen millions of dollars; and the expenditures, exclusive of payments on the public debt, will have been about twenty-three millions of dollars. By the act of 1842, a new arrangement of the fiscal year was made, so that it should commence on the 1st day of July in each year. The accounts and estimates for the current fiscal year will show that the loans and treasury notes made and issued before the close of the last Congress, to meet the anticipated deficiency, have not been entirely adequate. Although, on the 1st of October last, there was a balance in the treasury, in consequence of the provision thus made, of \$3,914,082 77, yet the appropriations already made by Congress will absorb that balance, and leave a probable deficiency of two millions of dollars at the close of the present fiscal year. There are outstanding treasury notes to about the amount of four million six hundred thousand dollars; and should they be returned upon the treasury during the fiscal year, they will require provision for their redemption. I do not, however, regard this as probable, since they have obviously entered into the currency of the country, and will continue to form a portion of it, if the system now adopted be continued. The loan of 1841, amounting to \$5,672,976 88, falls due on the 1st of January, 1845, and must be provided for, or postponed by a new loan. And unless the resources of the revenue should be materially increased by you, there will be a probable deficiency for the service of the fiscal year ending June 30th, 1845, of upwards of four millions of dollars.

The delusion incident to an enormously excessive paper circulation, which gave a fictitious value to everything, and stimulated adventure and speculation to an extravagant extent, has been happily succeeded by the substitution of the precious metals, and paper promptly redeemable in specie; and thus false values have disappeared, and a sounder condition of things has been introduced. This transition, although intimately connected with the prosperity of the country, has nevertheless been attended with much embarrassment to the Government in its financial concerns. So long as the foreign importers could receive payment for their

cargo in a currency of greatly less value than that in Europe, but fully available here in the purchase of our agricultural productions, their profits being immeasurably augmented by the operation, the shipments were large, and the revenues of the Government became superabundant. But the change in the character of the circulation from a nominal and apparently real value, in the first stages of its existence, to an obviously depreciated value in its second, so that it no longer answered the purposes of exchange or barter, and its ultimate substitution by a sound metallic and paper circulation combined, has been attended by diminished importations, and a consequent falling off in the revenue. This has induced Congress, from 1837, to resort to the expedient of issuing treasury notes, and finally of funding them, in order to supply deficiencies. I cannot, however, withhold the remark, that it is in no way compatible with the dignity of the Government that a public debt should be created in time of peace to meet the current expenses of the Government, or that temporary expedients should be resorted to an hour longer than it is possible to avoid them. The Executive can do no more than apply the means which Congress places in its hands for the support of Government; and happily for the good of the country, and for the preservation of its liberties, it possesses no power to levy exactions on the people, or to force from them contributions to the public revenue in any form. It can only recommend such measures as may, in its opinion, be called for by the wants of the public service, to Congress, with whom alone rests the power to "lay and collect taxes, duties, imposts, and excises." This duty has upon several occasions heretofore been performed. The present condition of things gives a flattering promise that trade and commerce are rapidly reviving, and, fortunately for the country, the sources of revenue have only to be opened, in order to prove abundant.

While we can anticipate no considerable increase in the proceeds of the sales of the public lands, for reasons perfectly obvious to all, for several years to come, yet the public lands cannot otherwise than be regarded as the foundation of the public credit. With so large a body of the most fertile lands in the world under the control, and at the disposal of the Government, no one can reasonably doubt the entire ability of the Government to meet its engagements under every emergency. In seasons of trial and difficulty similar to these through which we are passing, the capitalist makes his investment in the Government stocks, with the most assured confidence of ultimate reimbursement; and whatever may be said in a period of great financial prosperity, such as existed for some years after 1836, I should regard it as suicidal, in a season of financial embarrassment, to alienate either the lands themselves, or the proceeds arising from their sales. The first and paramount duty of those to whom may be intrusted the administration of public affairs, is to guard the public credit. In re-establishing the credit of this Central Government, the readiest and most obvious mode is taken to restore the credit of the States. The extremities can only be made sound by producing a healthy action in the Central Government; and the history of the present day fully establishes the fact, that an increase in the value of the stocks of this Government will, in a majority of instances, be attended by an increase in the value of the stocks of the States. It should,

Mr. Sum.]

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therefore, be a matter of general congratulation, that amidst all the embarrassments arising from surrounding circumstances, the credit of the Government should have been so fully restored that it has been enabled to effect a loan of seven millions of dollars to redeem that amount of treasury notes, on terms more favorable than any that have been offered for many years; and the six per cent. stock which was created in 1842, has advanced in the hands of the holders to nearly twenty per cent. above its par value. The confidence of the people in the integrity of their Government has thus been signally manifested. These opinions relative to the public lands do not, in any manner, conflict with the observance of the most liberal policy towards those of our fellow-citizens who press forward into the wilderness, and are the pioneers in the work of its reclamation. In securing to all such their rights of pre-emption, the Government performs but an act of retributive justice for sufferings encountered and hardships endured, and finds ample remuneration in the comforts which its policy insures, and the happiness it imparts.

Should a revision of the tariff, with a view to revenue, become necessary in the estimation of Congress, I doubt not you will approach the subject with a just and enlightened regard to the interests of the whole Union. The principles and views which I have heretofore had occasion to submit, remain unchanged. It can, however, never be too often repeated, that the prominent interest of every important pursuit of life requires, for success, permanency and stability in legislation. These can only be attained by adopting, as the basis of action, moderation in all things; which is as indispensably necessary to secure the harmonious action of the political as of the animal system. In our political organization, no one section of the country should desire to have its supposed interests advanced at the sacrifice of all others; but union being the great interest, equally precious to all, should be fostered and sustained by mutual concessions, and the cultivation of that spirit of compromise, from which the constitution itself proceeded.

You will be informed, by the report from the Treasury Department, of the measures taken under the act of the last session, authorizing the re-issue of treasury notes in lieu of those then outstanding. The system adopted in pursuance of existing laws, seems well calculated to save the country a large amount of interest, while it affords conveniences and obviates dangers and expense in the transmission of funds to disbursing agents. I refer you also to that report for the means proposed by the Secretary to increase the revenue, and particularly to that portion of it which relates to the subject of the warehousing system, which I earnestly urged upon Congress at its last session, and as to the importance of which my opinion has undergone no change.

In view of the disordered condition of the currency at the time, and the high rates of exchange between different parts of the country, I felt it to be incumbent on me to present to the consideration of your predecessors a proposition conflicting in no degree with the constitution, or with the rights of the States, and having the sanction—not in detail, but in principle—of some of the eminent men who had preceded me in the executive office. That proposition contemplated the issuing of treasury notes of denominations not less than five, nor more than

one hundred dollars, to be employed in payment of the obligations of the Government in lieu of gold and silver, at the option of the public creditor, and to an amount not exceeding \$15,000,000. It was proposed to make them receivable everywhere, and to establish at various points depositories of gold and silver, to be held in trust for the redemption of such notes, so as to insure their convertibility into specie. No doubt was entertained that such notes would have maintained a par value with gold and silver—thus furnishing a paper currency of equal value over the Union, thereby meeting the just expectations of the people, and fulfilling the duties of a parental Government. Whether the depositories should be permitted to sell or purchase bills under very limited restrictions, together with all its other details, was submitted to the wisdom of Congress; and was regarded as of secondary importance. I thought then, and think now, that such an arrangement would have been attended with the happiest results. The whole matter of the currency would have been placed where, by the constitution, it was designed to be placed—under the immediate supervision and control of Congress. The action of the Government would have been independent of all corporations; and the same eye which rests unceasingly on the specie currency, and guards it against adulteration, would also have rested on the paper currency, to control and regulate its issues, and protect it against depreciation. The same reasons which would forbid Congress from parting with the power over the coinage, would seem to operate with nearly equal force in regard to any substitution for the precious metals in the form of a circulating medium. Paper, when substituted for specie, constitutes a standard of value, by which the operations of society are regulated; and whatsoever causes its depreciation, affects society to an extent nearly, if not quite, equal to the adulteration of the coin. Nor can I withhold the remark, that its advantages, contrasted with a Bank of the United States—apart from the fact that a bank was esteemed obnoxious to the public sentiment, as well on the score of expediency as of constitutionality—appeared to me to be most striking and obvious. The relief which a bank would afford by an issue of \$15,000,000 of its notes, (judging from the experience of the late United States Bank,) would not have occurred in less than fifteen years; whereas, under the proposed arrangement, the relief arising from the issue of \$15,000,000 of treasury notes would have been consummated in one year; thus furnishing, in one-fifteenth part of the time in which a bank could have accomplished it, a paper medium of exchange, equal in amount to the real wants of the country, at par value with gold and silver. The saving to the Government would have been equal to all the interest which it has had to pay on treasury notes of previous as well as subsequent issues; thereby relieving the Government, and, at the same time, affording relief to the people. Under all the responsibilities attached to the station which I occupy, and in redemption of a pledge given to the last Congress, at the close of its last session, I submitted the suggestion to its consideration at two consecutive sessions. The recommendation, however, met with no favor at its hands. While I am free to admit that the necessities of the times have since become greatly ameliorated, and that there is good reason to hope that the country is safely

and rapidly emerging from the difficulties and embarrassments which everywhere surrounded it in 1841, yet I cannot but think that its restoration to a sound and healthy condition would be greatly expedited by a resort to the expedient in a modified form.

The operations of the treasury now rest on the act of 1789, and the resolution of 1816, and those laws have been so administered as to produce as great a quantum of good to the country as their provisions are capable of yielding. If there had been any distinct expression of opinion going to show that public sentiment is adverse to the plan, either as heretofore recommended to Congress, or in a modified form,—while my own opinion in regard to it would remain unchanged, I should be very far from again presenting it to your consideration. The Government has originated with the States and the people, for their own benefit and advantage; and it would be subversive of the foundation-principles of the political edifice which they have reared, to persevere in a measure which, in their mature judgments, they had either repudiated or condemned. The will of our constituents, clearly expressed, should be regarded as the light to guide our footsteps; the true difference between a monarchical or aristocratical government and a republic being, that in the first, the will of the few prevails over the will of the many; while in the last, the will of the many should be alone consulted.

The report of the Secretary of War will bring you acquainted with the conditions of that important branch of the public service. The army may be regarded, in consequence of the small number of the rank and file in each company and regiment, as little more than a nucleus around which to rally the military force of the country in case of war; and yet its services in preserving the peace of the frontiers are of a most important nature. In all cases of emergency, the reliance of the country is properly placed in the militia of the several States; and it may well deserve the consideration of Congress, whether a new and more perfect organization might not be introduced, looking mainly to the volunteer companies of the Union for the present, and of easy application to the great body of the militia in time of war.

The expenditures of the War Department have been considerably reduced in the last two years; contingencies, however, may arise, which would call for the filling up of the regiments with a full complement of men, and make it very desirable to remount the corps of dragoons, which by an act of the last Congress was directed to be dissolved.

I refer you to the accompanying report of the Secretary for information in relation to the navy of the United States. While every effort has been, and will continue to be made, to retrench all superfluities, and lop off all excrescences which from time to time may have grown up, yet it has not been regarded as wise or prudent to recommend any material change in annual appropriations. The interests which are involved are of too important a character to lead to the recommendation of any other than a liberal policy. Adequate appropriations ought to be made, to enable the Executive to fit out all the ships that are now in a course of building, or that require repairs, for active service in the shortest possible time, should any emergency arise which may require it. An efficient navy, while it is the cheapest means of public defence, enlists in its sup-

port the feelings of pride and confidence, which brilliant deeds and heroic valor have heretofore served to strengthen and confirm.

I refer you particularly to that part of the Secretary's report which has reference to recent experiments in the application of steam, and in the construction of war steamers, made under the superintendence of distinguished officers of the navy. In addition to other manifest improvements in the construction of steam-engines, and application of the motive power, which has rendered them more appropriate to the uses of ships of war, one of those officers has brought into use a power which makes the steam-ship most formidable, either for attack or defence. I cannot too strongly recommend this subject to your consideration, and do not hesitate to express my entire conviction of its great importance.

I call your particular attention, also, to that portion of the Secretary's report which has reference to the late act of the session of Congress, which prohibited the transfer of any balance of appropriation from other heads of appropriation to that for building, equipment, and repair. The repeal of that prohibition will enable the department to give renewed employment to a large class of workmen, who have been necessarily discharged, in consequence of the want of means to pay them—a circumstance attended, especially at this season of the year, with much privation and suffering.

It gives me great pain to announce to you the loss of the steamship "The *Missouri*," by fire, in the Bay of Gibraltar, where she had stopped to renew her supplies of coal, on her voyage to Alexandria, with Mr. Cushing, the American Minister to China, on board. There is ground for commendation of the officers and men for the coolness, and intrepidity, and perfect submission to discipline, evinced under the most trying circumstances. Surrounded by a raging fire, which the utmost exertions could not subdue, and which threatened momentarily the explosion of her well-supplied magazines, the officers exhibited no signs of fear, and the men, obeyed every order with alacrity. Nor was she abandoned until the last gleam of hope of saving her had expired. It is well worthy of your consideration, whether the losses sustained by the officers and crew in this unfortunate affair should not be reimbursed to them.

I cannot take leave of this painful subject without adverting to the aid rendered upon the occasion by the British authorities at Gibraltar, and the commander, officers, and crew, of the British ship-of-the-line "The *Malabar*," which was lying at the time in the bay. Every thing that generosity or humanity could dictate was promptly performed: It is by such acts of good-will by one to another of the family of nations, that fraternal feelings are nourished, and the blessings of permanent peace secured.

The report of the Postmaster General will bring you acquainted with the operations of that department during the past year, and will suggest to you such modifications of the existing laws as in your opinion the exigencies of the public service may require. The change which the country has undergone of late years in the mode of travel and transportation, has afforded so many facilities for the transmission of mail-matter out of the regular mail, as to require the greatest vigilance and circumspection in order to enable the officer at the head of

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the department to restrain the expenditures within the income. There is also too much reason to fear that the franking privilege has run into great abuse. The department, nevertheless, has been conducted with the greatest vigor, and has attained, at the least possible expense, all the useful objects for which it was established.

In regard to all the departments, I am quite happy in the belief that nothing has been left undone which was called for by a true spirit of economy, or by a system of accountability rigidly enforced. This is, in some degree, apparent from the fact, that the Government has sustained no loss by the default of any of its agents. In the complex, but, at the same time, beautiful machinery of our system of government, it is not a matter of surprise that some remote agency may have failed for an instant to fulfil its desired office; but I feel confident in the assertion, that nothing has occurred to interrupt the harmonious action of the Government itself; and that while the laws have been executed with efficiency and vigor, the rights neither of States nor of individuals have been trampled on or disregarded.

In the mean time, the country has been steadily advancing in all that contributes to national greatness. The tide of population continues unbrokenly to flow into the new States and Territories, where a refuge is found not only for our native-born fellow-citizens, but for emigrants from all parts of the civilized world, who come among us to partake of the blessings of our free institutions, and to aid by their labor to swell the current of our wealth and power.

It is due to every consideration of public policy, that the lakes and rivers of the West should receive all such attention at the hands of Congress as the constitution will enable it to bestow. Works in favorable and proper situations on the lakes would be found to be as indispensably necessary in case of war to carry on safe and successful naval operations, as fortifications on the Atlantic seaboard. The appropriations made by the last Congress for the improvement of the navigation of the Mississippi River have been diligently and efficiently applied.

I cannot close this communication, gentlemen, without recommending to your most favorable consideration, the interests of this District. Appointed by the constitution its exclusive legislators, and forming in this particular the only anomaly in our system of government—that of the legislative body being elected by others than those for whose advantage they are to legislate—you will feel a super-added obligation to look well into their condition, and to leave no cause for complaint or regret. The seat of Government of our associated Republics cannot but be regarded as worthy of your parental care.

In connection with its other interests, as well as those of the whole country, I recommend that at your present session you adopt such measures, in order to carry into effect the Smithsonian bequest, as in your judgment will be best calculated to consummate the liberal intent of the testator.

When, under a dispensation of Divine Providence, I succeeded to the Presidential office, the state of public affairs was embarrassing and critical. To add to the irritation consequent upon a long-standing controversy with one of the most powerful nations of modern times—involving not only questions of boundary, (which, under the most

favorable circumstances, are always embarrassing,) but at the same time important and high principles of maritime law—border controversies between the citizens and subjects of the two countries had engendered a state of feeling and of conduct which threatened the most calamitous consequences. The hazards incident to this state of things were greatly heightened by the arrest and imprisonment of a subject of Great Britain, who, acting (as it was alleged) as a part of a military force, had aided in the commission of an act violative of the territorial jurisdiction of the United States, and involving the murder of a citizen of the State of New York. A large amount of claims against the Government of Mexico remained unadjusted, and a war of several years' continuance with the savage tribes of Florida still prevailed, attended with the desolation of a large portion of that beautiful Territory, and with the sacrifice of many valuable lives. To increase the embarrassment of the Government, individual and State credit had been nearly stricken down, and confidence in the General Government was so much impaired, that loans of a small amount could only be negotiated at a considerable sacrifice. As a necessary consequence of the blight which had fallen on commerce and mechanical industry, the ships of the one were thrown out of employment, and the operations of the other had been greatly diminished. Owing to the condition of the currency, exchanges between different parts of the country had become ruinously high, and trade had to depend on a depreciated paper currency in conducting its transactions. I shall be permitted to congratulate the country that, under an overruling Providence, peace was preserved without a sacrifice of the national honor; the war in Florida was brought to a speedy termination; a large portion of the claims on Mexico have been fully adjudicated, and are in a course of payment, while justice has been rendered to us in other matters by other nations; confidence between man and man is in a great measure restored, and the credit of this Government fully and perfectly re-established. Commerce is becoming more and more extended in its operations; and manufacturing and mechanical industry once more reap the rewards of skill and labor honestly applied. The operations of trade rest on a sound currency; and the rates of exchange are reduced to their lowest amount. In this condition of things, I have felt it to be my duty to bring to your favorable consideration matters of great interest, in their present and ultimate results; and the only desire which I feel in connection with the future is, and will continue to be, to leave the country prosperous, and its institutions unimpaired.

JOHN TYLER.

WASHINGTON, December, 1848.

Mr. HUNTINGTON moved that the Message and accompanying documents be laid on the table.

Mr. SEVIER hoped that the Message would be ordered to be printed as usual. He submitted the motion that it be also printed.

The question was put on the motion of Mr. SEVIER to have the Message printed, and carried in the affirmative.

Mr. SEVIER then submitted a motion to have the usual extra quantity of the Message and accompanying documents printed for the

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Election of Printer.

[28TH CONG.]

use of the Senate; which was agreed to, and 1,500 copies of the Message and accompanying documents, and 2,000 without the documents, were ordered to be printed.

#### *The Election of Printer.*

The Senate proceeded to the election of a printer. The ballots were deposited in the ballot-box; and, on being counted, it was ascertained that all the Senators present (40) had voted, and cast their votes as follows:

For Gales & Seaton	-	-	-	23
For Blair & Rives	-	-	-	17

So Messrs. Gales & Seaton were declared to be duly elected printers of the Senate for the 28th Congress.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, December 5.

The House was called to order at 12 o'clock, and the minutes of yesterday were read by the Clerk.

Mr. RHETT introduced his colleague, Mr. JAMES A. BLACK, of South Carolina, who was qualified, and took his seat.

Mr. MILTON BROWN introduced Mr. D. W. DICKINSON, of Tennessee, who was sworn, and he then took his seat.

#### IN SENATE.

WEDNESDAY, December 6.

The following Senators, in addition to those announced heretofore, appeared in their seats in the Senate to-day, viz: Mr. HENDERSON and Mr. WALKER, of Mississippi.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 6.

#### *Election of Clerk.*

The minutes of yesterday were read.

Mr. CAVE JOHNSON moved that the House proceed to the election of a Clerk, *viva voce*; which motion was carried; whereupon,

Mr. DAVIS, of Indiana, nominated Caleb J. McNulty, of Ohio; and

Mr. VANCE, of Ohio, nominated Matthew St. Clair Clarke, of Washington City.

The SPEAKER named Messrs. DAVIS of Indiana, VANCE of Ohio, and JOHNSON, of Tennessee, tellers; and the roll having been called over,

The tellers reported that the whole number of votes given was 190, of which 96 were necessary to a choice; that Mr. McNulty had received 124 votes, and Mr. Clarke had received 66 votes.

The SPEAKER then announced that Mr. McNulty was duly elected Clerk of the House; and he appeared, was qualified, and took his seat at the Clerk's table.

#### *General Jackson's Fine.*

Mr. CHARLES J. INGERSOLL, in pursuance of notice given on Monday, asked leave, and introduced the following bill:

AN ACT to refund the fine imposed on General Andrew Jackson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of one thousand dollars, paid by General Andrew Jackson as a fine imposed on him at New Orleans, the 31st day of March, A. D. 1815, be repaid to him, together with interest, at the rate of six per cent. a year, since then, out of any moneys in the treasury not otherwise appropriated.

The bill having been read twice—

Mr. C. J. INGERSOLL moved to refer it to the Committee of the whole House, and that it be made the order of the day for to-morrow.

Mr. VANCE, of Ohio, moved that the House adjourn; which motion was rejected.

Mr. WINTHROP observed that there were no rules of the House yet adopted, under which to dispose of bills.

Mr. C. J. INGERSOLL replied that they had the rules of the parliamentary law and that was enough for his purpose.

The motion of Mr. CHAS. J. INGERSOLL was then adopted.

#### *Election of Printer.*

Mr. McKAY said he had a resolution now to offer, that the House now proceed to the election of a printer. Before he submitted it, however, he wished to make a few observations in explanation. The congressional printing up to 1839 was executed under the operation of the joint resolution of 1819, but at that time it was considered that the prices fixed by that joint resolution were too high; and the whole subject being submitted to a Select Committee of intelligent members, the result of their investigations was a very voluminous report, and which he had then in his desk, recommending a reduction of the scale of prices of fifteen per cent. The minority of the committee, who were gentlemen of the Whig party, recommended a much larger reduction—say twenty per cent. At the extra session, the subject of the printer's compensation was again taken up, and an examination gone into. [Here Mr. McK. read the resolution of the extra session on that subject.] The prices were then fixed at twenty per cent. less than the prices of 1819, under which reduction Gales & Seaton were elected printers; but, unfortunately, the same majority who had thus reduced the prices of the printers, repealed their act at the last session, by adding an appropriation to the general appropriation bill, sufficient to make Gales & Seaton's compensation equal to the prices fixed by the joint resolution of 1819. He did not advert to this fact for the purpose of censuring the majority for what they did,



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but to show how the prices had got up again after being reduced.

This might seem, to many of the new members here, to be a small matter; but it would cease to be so when they learned that the printing of the House for the 27th Congress, exclusive of the Senate, amounted to \$300,000. By this they would see how much the reduction would amount to. It was desirous that this reduction should take place before the election of printer, so that the persons elected might know what they had to depend upon. Blair and Rives accepted the office under the reduction of 15 per cent. below the prices of the resolution of 1819; so that they could not object to the resolution. Mr. McK. then submitted the following resolution, which was read:

*Resolved*, That the House now proceed to the election of printer of this House for the 28th Congress, whose compensation shall be the same that was allowed to the printer of the House for the 26th Congress, subject to such alterations as may be made in the joint resolution of the 8d March, 1819, directing the manner in which the printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer or printers.

Mr. GILMER submitted the following as an amendment, to be added to the resolution:

And that the printer who may be elected by this House shall serve until the close of the present Congress, unless it shall, in the mean time, be provided by law that the public patronage of the Government shall be separated from the political press; in which event, his services shall cease.

Mr. WISE called for the yeas and nays on the amendment; but, a sufficient number not rising to sustain the call,

Mr. WISE asked for tellers; upon which,

On motion by Mr. GALLAGHER,

The House adjourned.

THURSDAY, December 7.

#### *Election of Printer.*

The resolution of the gentleman from North Carolina (Mr. McKAY) was then taken up; which is as follows:

*"Resolved*, That the House now proceed to the election of printer of this House for the 28th Congress, whose compensation shall be the same that was allowed to the printer of the House for the 26th Congress, subject to such alterations as may be made in the joint resolution of the 8d March, 1819, directing the manner in which the printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer or printers."

And, also, the amendment of Mr. GILMER was taken up as follows:

"And that the printer who may be elected by this House shall serve until the close of the present Congress, unless it shall, in the mean time, be pro-

vided by law that the public patronage of the Government shall be separated from the political press; in which event, his service shall cease."

Mr. DICKEY offered an amendment, proposing that the printing be given out by contract, to the lowest bidder, to be executed under the direction of the Clerk.

Mr. D. said he had no great objection to the printing of the House being done by the political press; but he did desire that the printing should be done at the least possible expense to the Government. He presumed it was the desire of the House, as well as of the gentleman from Virginia himself, that the public expenditure should be economized; and, as this proposition would probably accomplish his object, he hoped the gentleman would receive it as a modification of his amendment.

The CHAIR remarked that it would not be in order to move this amendment until the other one was disposed of.

The question was then taken upon Mr. GILMER's amendment; and resulted—yeas 59, nays 124.

So the amendment was not concurred in.

Mr. DICKEY here renewed his amendment.

The question was then taken on Mr. DICKEY's amendment, and resulted in yeas 64, nays 110.

The question then recurred on the adoption of the original resolution; which was carried.

Mr. STRONG nominated Messrs. Blair & Rives as the printers of this House.

Mr. VANCE nominated Messrs. Gales & Seaton.

Mr. CAVE JOHNSON moved that the election be made *viva voce*; which was agreed to.

The SPEAKER appointed Messrs. COBB of Georgia, VANCE of Ohio, and CAVE JOHNSON of Tennessee, as tellers to superintend the election; and, having taken the vote, they reported, by Mr. COBB, that the whole number of votes was

Necessary to a choice	197
Of which Messrs. Blair & Rives received	99
Messrs. Gales & Seaton	124
Jacob Gideon	62
	1

Messrs. Blair and Rives were therefore declared duly elected the printers of this House for the 28th Congress.

#### *Election of Sergeant-at-Arms.*

Mr. DAVIS, of Indiana, moved that the House proceed to the election of Sergeant-at-arms, *viva voce*. The motion was agreed to.

Mr. BROWN, of Indiana, nominated Newton Lane, of Kentucky.

Mr. CHILTON, of Virginia, nominated the Sergeant-at-arms of the last Congress, Mr. Eleazer M. Townsend.

The SPEAKER appointed Messrs. BROWN of Indiana, CHILTON of Virginia, and WELLES of Ohio, as the tellers to superintend the election;

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*The Death of Senator Linn.*

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and having taken the vote, they reported, by Mr. BROWN, that the whole number of votes given was - - - 184  
Necessary to a choice - - - 93  
Of which Mr. Newton Lane received 128  
Mr. E. M. Townsend - - - 56

Mr. Newton Lane was therefore declared to be duly elected.

#### *Election of Doorkeeper.*

Mr. MURPHY offered a resolution to the effect that Jesse E. Dow be appointed the Doorkeeper of this House.

Mr. THOMPSON, of Mississippi, then renewed his motion that the House proceed to the election of Doorkeeper *vice voce*, which was agreed to.

Mr. JAMESON nominated Jesse E. Dow.

Mr. WINTHROP nominated Joseph Follansbee.

The SPEAKER appointed Messrs. JAMESON, WINTHROP, and THOMPSON the tellers; who took the vote, and reported (by Mr. THOMPSON) that the whole number of votes was - 177  
Necessary to a choice - - - 89  
Of which, Jesse E. Dow received - 125  
Joseph Follansbee - - - 52

Mr. Jesse E. Dow was, therefore, declared duly elected.

#### IN SENATE.

MONDAY, December 11.

Mr. BAXBY, elected by the Legislature of Alabama a Senator from that State from and after the 4th day of March last, was presented to the Senate by his colleague, Mr. KING, and was qualified.

#### *Election of Officers.*

Mr. KING moved that the Senate now proceed to a ballot for the officers: agreed to.

The Senate then proceeded to ballot for Secretary. The ballot resulted as follows:

Asbury Dickins received 47 votes, being the whole number given. He presented himself, and was qualified.

The Senate then proceeded to ballot for Sergeant-at-Arms and Doorkeeper, both being the same office. The ballot resulted as follows:

For Edward Dyer	-	-	-	39
" Robert Porter	-	-	-	1
" Robert Beale	-	-	-	1
Blanks	-	-	-	5

Mr. Dyer being declared to be duly elected, presented himself, and was qualified.

The Senate then proceeded to ballot for an Assistant Doorkeeper; the result was:

For Robert Beale	-	-	-	23
For Robert E. Horner	-	-	-	23
Blank	-	-	-	1

There was no election; and the Senate pro-

ceeded again to ballot. The following is the result:

For Robert Beale	-	-	-	24
For Robert E. Horner	-	-	-	23

Mr. Beale being declared to be duly elected, presented himself, and was qualified.

On motion by Mr. HUNTINGTON, the Senate proceeded to the election of a Chaplain. A ballot was taken; the following was the result:

The Rev. Mr. Tuston	-	-	-	37
The Rev. Mr. Bulfinch	-	-	-	8
The Rev. Mr. Woodman	-	-	-	1

Mr. Tuston was declared to be duly elected chaplain to the Senate.

TUESDAY, December 12.

#### *The Death of Senator Linn.*

The Journal having been read, Mr. BOSTON rose and said:

Mr. PRESIDENT: I rise to make to the Senate the formal communication of an event which has occurred during the recess, and has been heard by all with the deepest regret. My colleague and friend, the late Senator Linn, departed this life on Tuesday, the 8d day of October last, at the early age of forty-eight years, and without the warnings or the sufferings which usually precede our departure from this world. He laid him down to sleep, and awoke no more. It was to him the sleep of death! and the only drop of consolation in this sudden and calamitous visitation was, that it took place in his own house, and that his unconscious remains were immediately surrounded by his family and friends, and received all the care and aid which love and skill could give.

I discharge a mournful duty, Mr. President, in bringing this deplorable event to the formal notice of the Senate; in offering the feeble tribute of my applause to the many virtues of my deceased colleague, and in asking for his memory the last honors which the respect and affection of the Senate bestow upon the name of a deceased brother.

LEWIS FIELD LINN, the subject of this announcement, was born in the State of Kentucky, in the year 1795, in the immediate vicinity of Louisville. His grandfather was Colonel William Linn, one of the favorite officers of General George Rodgers Clark, and well known for his courage and enterprise in the early settlement of the Great West. At the age of eleven he had fought in the ranks of men, in the defence of a station in Western Pennsylvania, and was seen to deliver a deliberate and effective fire. He was one of the first to navigate the Ohio and Mississippi from Pittsburg to New Orleans, and back again—a daring achievement, which himself and some others accomplished for the public service, and amidst every species of dan-

Mr. Sum.]

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ger, in the year 1776.\* He was killed by the Indians at an early period; leaving a family of young children, of whom the worthy Colonel William Pope (father of Governor Pope, and head of the numerous and respectable family of that name in the West) became the guardian. The father of Senator Linn was among these children; and, at an early age, skating upon the ice near Louisville, with three other boys, he was taken prisoner by the Shawanee Indians, carried off, and detained captive for three years, when all four made their escape and returned home, by killing their guard, traversing some hundred miles of wilderness, and swimming the Ohio River. The mother of Senator Linn was a Pennsylvanian by birth; her maiden name Hunter; born at Carlisle; and also had heroic blood in her veins. Tradition, if not history, preserves the recollection of her courage and conduct at Fort Jefferson, at the Iron Banks, in 1781, when the Indians attacked and were repulsed from that post. Women and boys were men in those days.

The father of Senator Linn died young, leaving this son but eleven years of age. The cares of an elder brother (General Henry Dodge) supplied (as far as such a loss could be supplied) the loss of a father; and under his auspices the education of the orphan was conducted. He was intended for the medical profession, and received his education, scholastic and professional, in the State of his nativity. At an early age he was qualified for the practice of medicine, and commenced it in the then Territory, now State, of Missouri; and was immediately amongst the foremost of his profession. Intuitive sagacity supplied in him the place of long experience; and boundless benevolence conciliated universal esteem. To all his patients he was the same; flying with alacrity to every call, attending upon the poor and humble as zealously as on the rich and powerful, on the stranger as readily as on the neighbor, discharging to all the duties of

nurse and friend as well as of physician, and wholly regardless of his own interest, or even of his own health, in his zeal to serve and to save others.

The highest professional honors and rewards were before him. Though commencing on a provincial theatre, there was not a capital in Europe or America in which he would not have attained the front rank in physic or surgery. But his fellow-citizens perceived in his varied abilities capacity and aptitude for service in a different walk. He was called into the political field by an election to the Senate of his adopted State. Thence he was called to the performance of judicial duties, by a federal appointment to investigate land titles. Thence he was called to the high station of Senator in the Congress of the United States—first by an executive appointment, then by three successive almost unanimous elections. The last of those elections he received but one year ago, and had not commenced his duties under it—had not sworn in under the certificate which attested it—when a sudden and premature death put an end to his earthly career. He entered this body in the year 1833: death dissolved his connection with it in 1843. For ten years he was a beloved and distinguished member of this body; and surely a nobler or a finer character never adorned the chamber of the American Senate.

He was my friend: but I speak not the language of friendship when I speak his praise. A debt of justice is all that I can attempt to discharge, an imperfect copy of the *true man* is all that I can attempt to paint.

A sagacious head, and a feeling heart, were the great characteristics of Dr. LINN. He had a judgment which penetrated both men and things, and gave him near and clear views of far-distant events. He saw at once the bearing—the remote bearing—of great measures, either for good or for evil; and brought instantly to their support, or opposition, the logic of a prompt and natural eloquence, more beautiful in its delivery, and more effective in its application, than any that art can bestow. He had great fertility of mind, and was himself the author and mover of many great measures,—some for the benefit of the whole Union—some for the benefit of the Great West—some for the benefit of his own State—many for the benefit of private individuals. The pages of our legislative history will bear the evidences of these meritorious labors to a remote and grateful posterity.

Brilliant as were the qualities of his head, the qualities of his heart still eclipse them. It is to the heart we look for the character of the man; and what a heart had LEWIS F. LINN! The kindest, the gentlest, the most feeling, and the most generous that ever beat in the bosom of bearded man! And yet, when the occasion required it, the bravest and the most daring also. He never beheld a case of human woe without melting before it; he never encountered an apparition of earthly danger without giving it defiance. Where is the friend, or even the stran-

\* "The next effort at this perilous navigation was made by Colonel Gibson and Linn—the latter the grandfather of the present Dr. Linn, of St. Louis, now in the Senate of the United States from Missouri. These gentlemen descended the Mississippi in 1774, from Pittsburg to New Orleans, by the waters of Virginia, it is presumed, to obtain military stores for the troops stationed at the former place. So extraordinary an adventure may well require particular construction to the mind of the reader; and it can be furnished in the most remarkable manner. John Smith, now or lately of Woodford county, in this State, was, in 1774, engaged in reconnoitering this country, in company with James Harrod, an eminently distinguished in the history of Kentucky difficulties and dangers. On their return, the companions separated—Harrod to go to North Carolina, and Smith to Peter's Creek on the Monongahela. While travelling on the bank of the Ohio, the latter discovered Gibson and party descending it; who halted Smith, and prevailed on him to embark in this, one of the boldest of Western adventures. The party succeeded in the object, and obtained a supply of 150 kegs of gunpowder from New Orleans, which Smith helped to carry round the Falls to the mouth of Bear Grass Creek, in the Spring of 1777. Each man carried three kegs along the route, one at a time. The powder was delivered at Wheeling first, and thence conveyed to Pittsburg. Independently of this particularity of service, solemnly asserted on oath, in a deposition at law, by a respectable party in the transaction, it was frequently mentioned by Colonel Linn in his lifetime, and is still known as his information in the story left by this gallant and energetic man."—*Butler's History of Kentucky*, pages 155, 156.

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ger, in danger, or distress, to whose succor he did not fly, and whose sorrowful or perilous case he did not make his own? When—where—was he ever called upon for a service, or a sacrifice, and rendered not, upon the instant, the one or the other, as the occasion required?

The senatorial service of this rare man fell upon trying times—high party times—when the collisions of party too often embittered the ardent feelings of generous natures; but who ever knew bitterness, or party animosities in him? He was, indeed, a party man—as true to his party as to his friend and his country; but, beyond the line of duty and of principle—beyond the debate and the vote—he knew no party, and saw no opponent. Who among us all, even after the fiercest debate, ever met him without meeting the benignant smile and the kind salutation? Who of us all ever needed a friend without finding one in him? Who of us all was ever stretched upon the bed of sickness without finding him at its side? Who of us all ever knew of a personal difficulty of which he was not, as far as possible, the kind composer?

Such was Senator LINN, in high party times, here among us. And what he was here, among us, he was everywhere, and with everybody.

At home among his friends and neighbors; on the high road among casual acquaintances; in foreign lands among strangers; in all, and in every of these situations, he was the same thing. He had kindness and sympathy for every human being; and the whole voyage of his life was one continued and benign circumnavigation of all the virtues which adorn and exalt the character of man. Piety, charity, benevolence, generosity, courage, patriotism, fidelity, all shone conspicuously in him, and might extort from the beholder the impressive interrogatory, *For what place was this man made?* Was it for the Senate, or the camp? For public or for private life? For the bar or the bench? For the art which heals the diseases of the body, or that which cures the infirmities of the State? For which of all these was he born? And the answer is, For all. He was born to fill the largest and most varied circle of human excellence; and to crown all these advantages, Nature had given him what the great Lord Bacon calls a perpetual letter of recommendation—a countenance not only good, but sweet and winning—radiant with the virtues of his soul—captivating universal confidence; and such as no stranger could behold—no traveller, even in the desert, could meet, without stopping to reverence, and saying: Here is a man in whose hands I could deposit life, liberty, fortune, honor. Alas! that so much excellence should have perished so soon! that such a man should have been snatched away at the early age of forty-eight, and while all his faculties were still ripening and developing!

In the life and character of such a man, so exuberant in all that is grand and beautiful in human nature, it is difficult to particularize excellences, or to pick out any one quality, or

circumstance, which could claim pre-eminence over all others. If I should attempt it, I should point, among his measures for the benefit of the whole Union, to the Oregon Bill; among his measures for the benefit of his own State, to the acquisition of the Platte Country; among his private virtues, to the love and affection which he bore to that brother—the half-brother only—who, thirteen years older than himself, had been to him the tenderest of fathers. For twenty-nine years I had known the depth of that affection, and never saw it burn more brightly than in our last interview, only three weeks before his death. He had just travelled a thousand miles out of his way to see that brother; and his name was still the dearest theme of his conversation—a conversation, strange to tell! which turned, not upon the empty and fleeting subjects of the day, but upon things solid and eternal—upon friendship, and upon death, and upon the duties of the living to the dead. He spoke of two friends whom it was natural to believe that he should survive, and to whose memories he intended to pay the debt of friendship. Vain calculation! Vain impulsion of generosity and friendship! One of these two friends now discharges that mournful debt to him: the other\* has written me a letter expressing his "*deep sorrow for the untimely death of our friend, Mr. LINN.*"

Mr. BENTON then offered the following resolutions:

*Resolved, unanimously*, That the members of the Senate, from sincere desire of showing every mark of respect due to the memory of the Hon. LEWIS F. LINN, deceased, late a member thereof, will go into mourning, by wearing crapes on the left arm for thirty days.

*Resolved, unanimously*, That, as an additional mark of respect for the memory of the Hon. LEWIS F. LINN, the Senate do now adjourn.

Mr. CRITTENDEN said: I rise, Mr. President, to second the motion of the Hon. Senator from Missouri, and to express my cordial concurrence in the resolutions he has offered.

The highest tribute of our respect is justly due to the honored name and memory of Senator LINN; and there is not a heart here that does not pay it freely and plentifully. These resolutions are but responsive to the general feeling that prevails throughout the land, and will afford to his widow and his orphans the consolatory evidence that their country shares their grief, and mourns for their bereavement.

I am very sensible, Mr. President, that the very appropriate, interesting, and eloquent remarks of the Senator from Missouri (Mr. BENTON) have made it difficult to add any thing that will not impair the effect of what he has said; but I must beg the indulgence of the Senate for a few moments. Senator LINN was by birth a Kentuckian, and my countryman. I do not dispute the claims of Missouri, his adopted State; but I wish it to be remembered,

\* General Jackson.

[Mr. SAYS.]

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that I claim for Kentucky the honor of his nativity; and by the great law that regulates such precious inheritances, a portion, at least, of his fame must descend to his native land. It is the just ambition and right of Kentucky to gather together the bright names of her children, no matter in what lands their bodies may be buried, and to preserve them as her jewels and her crown. The name of LINN is one of her jewels; and its pure and unsullied lustre shall long remain as one of her richest ornaments.

The death of such a man is a national calamity. Long a distinguished member of this body, he was continually rewarded with the increasing confidence of the great State he so honorably represented; and his reputation and usefulness increased at every step of his progress.

In the Senate his death is most sensibly felt. We have lost a colleague and friend, whose noble and amiable qualities bound us to him as with "hooks of steel." Who of us that knew him can forget his open, frank, and manly bearing—that smile, that seemed to be the pure, warm sunshine of the heart, and the thousand courtesies and kindnesses that gave a "daily beauty to his life?"

He possessed a high order of intellect; was resolute, courageous, and ardent in all his pursuits. A decided party man, he participated largely and conspicuously in the business of the Senate and the conflicts of its debates; but there was a kindliness and benignity about him, that, like polished armor, turned aside all feelings of ill-will or animosity. He had political opponents in the Senate, but not one enemy.

The good and generous qualities of our nature were blended in his character;

"——— and the elements  
So mixed in him, that Nature might stand up  
And say to all the world—*This was a man.*"

The resolutions were then adopted; and  
The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, December 12.

##### *Death of the Hon. Lewis F. Linn.*

A message was received from the Senate by Mr. DICKENS, announcing the death of the Hon. LEWIS F. LINN, a Senator from the State of Missouri, and that the Senate had adopted the usual tribute of respect for his memory—of going into mourning by wearing crape on the left arm for thirty days.

Mr. BOWLER, of Missouri, rose and said: I rise with no ordinary emotions—occasioned, partially, by the novelty of my own position; but more, much more, by the recollection of the painful and melancholy event which now demands the tribute of our grief. It is, indeed, a painful, a most painful event to me; and one calculated, from its associations, to spread the gloom of melancholy over the coun-

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oils now assembled. We have convened here for the discharge of our public duties, and we look around us in vain for all those companions in our labors whom we were wont to have met. The hand of Death, inexorable Death, has been amongst us. In the other end of the Capitol, a seat is vacated; ah! vacated, and that forever. The heart of its occupant, which in life ever beat responsive to the calls of charity and humanity, now beats no more; and the tongue, whose patriotic eloquence has charmed the Senate, is now stilled by the dull, cold hand of Death.

The Hon. LEWIS F. LINN, late Senator from Missouri, as announced by the resolutions on your table, is no more. He died suddenly at his residence in St. Genevieve, on the 3d day of October last, just as he was preparing to leave for this, the field of his distinguished labors. The manner of his death was peculiarly afflicting to his friends. It was as sudden as it was unexpected. In the midst of life and usual health; with no note of warning to his friends; without the usual premonitory symptoms; without, perhaps, an admonition to himself; in the midst of his family and friends, and in the mid career of his usefulness and honor, he is suddenly summoned from us to that land of spirits where "the weary are at rest."

Having spent a restless and sleepless night, he had the curtains of his bed drawn, to secure to him a morning's repose. He fell into a sleep, a profound sleep, from which he never awoke. And though his couch was watched with the sleepless eye of affectionate devotion, separated only by a curtain, yet his spirit passed away so calm, so tranquil, that it was difficult to tell the precise moment of its flight. But though he died with no eye upon him, save that of his God, yet the mildness and the serenity of his countenance proclaimed the consolation to his friends, trumpet-tongued, that he departed in peace, and with scarce a struggle.

Of his life: it was one continued scene of uniformity and beauty. But I will not trespass upon the province of his biographer, further than to touch some of its prominent points. He was born in the State of Kentucky, in the year 1796, and inherited from that chivalrous and gallant people many of the noble qualities that adorned him in after life. In the year 1809—a mere boy—he emigrated to Missouri, and cast his fortune amongst a people eager to discern, and proud to reward merit. In 1814, at the age of seventeen years, he entered the tented field, and, side by side with a near and esteemed relative, now an honorable member of this House, (Governor DODGE,) was engaged gallantly fighting the battles of his country; and though a youth, too young to have his deeds chronicled in history, yet the memory of them is cherished in the hearts of the people of his adopted State.

After the war, he applied himself to the acquisition of his profession; and, by the force

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and energy of his mind, and his well-regulated habits of industry, soon placed himself in the front ranks of that learned and honorable profession. As a physician, he was prompt and determined, yet mild, courteous, and cheerful; by the versatility of his genius throwing around the couch of sickness and death every thing to inspire hope and dispel gloom. No man was ever more highly esteemed or more dearly loved within the circle of his practice. Long, long will the memory of his virtues be engraven on the hearts of those people who knew him longest, and knew him best.

He was next called, by the people of his county, to the Legislature of his adopted State, where, in a short session, he gave early promise of that character as a legislator which has since so brilliantly shown in the councils of the nation. His career there was marked by an enlightened policy, a lofty patriotism, and a firm and unswerving devotion to those fundamental principles upon which he believed was based the liberty of his country. The generous confidence of his constituents was only equalled by the disinterested fidelity of the representative, in executing the trusts committed to his charge.

In 1832, he was appointed one of the board of commissioners to adjust the private land claims of the ancient inhabitants of Upper Louisiana, (now Missouri.) To the discharge of the complicated duties of this office he brought a mind well stored with information upon the subject, and an energy that never flagged. In this place he accomplished much, in settling the vexed questions of titles to our lands; and, by the suavity of his manners, and the uniform urbanity of his demeanor, won from all the homage of an exalted respect. Indeed, it would be difficult to portray the veneration in which his memory is held by those early first pioneers of the country, who laid in the wilderness the foundation of a great republic. If it were allowable, upon an occasion of this kind, to speak of one's self, I might be permitted to say that it was at this period of his life I had the good fortune to make his acquaintance, and establish a mutual friendship which existed through life. A stranger in a strange land, he extended to me the hand of fellowship and welcome, and encouraged me by his counsels, and animated me by the buoyancy of his own generous heart. A few weeks changed our then relative positions—he to the Senate, I to the editor's chair; and it is due to his memory to say, that change of position worked no change of relations; and I can as proudly bear testimony that, whilst acting as a sentinel upon the acts of public men, I found in his career every thing to applaud, nothing to condemn.

Doctor LINN was appointed to the Senate in November, 1833, and continued in that station until the period of his death—an uninterrupted period of nearly ten years; during which time he passed through three elections before the Legislature of Missouri, each time increasing in strength, as he increased in the confidence of

the people. He entered that body, of which he was destined to become so distinguished a member, laboring under many disadvantages, arising alike from education and from habits. The angry ocean of party politics he found lashed into a commotion the most furious; the Senate filled with men of gigantic minds, cultivated intellects, and a long experience in legislation; and, to crown all, so much possessed of feelings which political animosities had engendered, as to render personal and social intercourse difficult and constrained. Yet, by his evenness of temper and firmness of purpose, combined with his social disposition and urbanity of manners, he soon acquired a most enviable respect from those with whom he had to act.

Of his general labors in the Senate, and the enlightened patriotism that directed them, the archives of the country bear abundant testimony. On all local subjects, he labored faithfully and efficiently for his immediate constituents. His unabated efforts in obtaining post-roads, forts, and military roads upon the frontier; the acquisition of the Platte country; the improvement of our rivers and harbors; the adjustment of the land claims of the ancient inhabitants of Upper Louisiana, bear witness to the people of Missouri of the zeal and fidelity of him whose loss they so sadly deplore.

But the great question which called forth all the energies of his mind, was the occupation of the Oregon Territory. Looking at the subject with a prophetic spirit, and the eye of a statesman, he saw, in the distance, the time when that beautiful land of hill and dale, of mountain breeze and crystal stream, should bloom and blossom as the rose, beneath the cheerful hand of industry; and he struggled hard to plant alike on the beautiful plains the American citizen and the American flag. This was the great work to which he had for years devoted all the energies of his soul; and, without repining at the awards of Providence, we all must regret, seriously regret, that he was not spared to witness its accomplishment. But he has left it for others to perform, with his own great efforts as beacon lights to guide them on their way, and associated with the cause of Oregon the glory of a name—

"A light, a landmark, on the cliffs of fame."

But he is gone; and while we deplore his loss, let us not be unmindful of those who are left to mourn—ah! deeply mourn, a husband's and a father's death. Who can assuage their grief? Who pluck the rooted sorrow from their hearts? He alone who "tempers the winds to the shorn lamb." To His mercy and Divine protection we most humbly commend them.

On motion of Mr. BOWLIN,

*Resolved, unanimously, That, as a testimony of respect for the memory of the Hon. L. F. LINN, deceased, the members of this House will wear the usual badge of mourning for thirty days; and that the House do now adjourn.*

The House then adjourned.

1st Sess.]

*The Death of Senator McRoberts.*

[DECEMBER, 1848.]

## IN SENATE.

WEDNESDAY, December 18.

*The Death of Senator McRoberts.*

The journal having been read, Mr. BRESEE rose and addressed the Senate as follows:

Mr. PRESIDENT: On yesterday the honorable Senator from Missouri (Mr. BENTON) performed the melancholy duty devolving upon him of announcing to the Senate the death of his distinguished and lamented colleague, the honorable LEWIS F. LINN.

The feeling and highly wrought, though well-deserved eulogium, so eloquently pronounced by him, has done equal honor to his head and heart; and the remarks of the distinguished Senator from Kentucky, (Mr. CRITTENDEN,) upon seconding the motion for the usual honors to his memory, all conspired to awaken emotions in me which cannot be described. From my boyish days the lamented LINN was my friend; and I have often, in my intercourse with him, had occasion to admire his many noble and captivating qualities. Let me add the poor tribute of my praise to his excellence and worth, and mingle my grief with that of his other friends, that he should have been so suddenly struck down in the midst of his usefulness, and in the noon of his fame. All who can prize great moral worth, a chastened ambition, a sincere devotion to country, and all the more amiable, but less imposing attributes of character, will mourn his loss with unaffected sincerity. Missouri must keenly deplore such an unlooked-for calamity, and may well claim a common sympathy for her great bereavement.

Illinois too, Mr. President, has been afflicted by a similar visitation. Her most cherished son, a native of her own soil, the honorable SAMUEL McROBERTS—who had, unaided by fortune or family influence, won his way to the high distinction of Senator in Congress, passing with credit to himself through many subordinate but responsible stations, while yet in the prime of his life—is now no more!

This sad event occurred at Cincinnati, on the 27th of March last, but a few weeks after the adjournment of Congress, whilst he was journeying home by the usual river route. Exposed, at that most capricious season of the year, to the cold and damps that infest the mountains over which he travelled, another disease—that of inflammation of the brain—was added to the one which so severely afflicted him here; and, in spite of the skill of the most eminent physicians of that city, it soon proved fatal.

His wife and a few friends were with him, to soothe his anguish, and to sustain him in that most trying hour which must come upon us all; and they witnessed the last ebblings of a life so dear to them, and so valuable to the country. Appropriate honors were there paid to his remains; and there they rest, in the soil of that magnificent valley which gave him birth.

I have said, Mr. President, that Judge Mo-

ROBERTS was a native of Illinois. He was so, sir; and the only one, with a single exception, who has ever had a seat here from the territory north-west of the river Ohio. He was the son of one of the earliest pioneers, who penetrated, before the peace of 1788, to that then solitary and untrodden wild. His father lived to see his son occupy a seat in this chamber, and still lives respected by all who know him. The early education of Judge McROBERTS was obtained in the common school-house of the West, in which officiated, at intervals only, occasional wandering teachers. At completing his majority, he entered Transylvania University, and attended a course of law lectures; and on his return to his home was admitted to practice, and at once advanced to the front rank of his honorable profession. He was soon appointed a judge of one of the higher courts, until, upon reorganizing the judiciary, he was sent to the State Senate. He was afterwards appointed by the national Executive, attorney of the United States for that district, and subsequently receiver of public moneys at one of the most important land offices in the State, whence he was transferred to the highly important station of solicitor in the General Land Office, and thence to a seat here.

Judge McROBERTS was selected by the Legislature of his native State, over many competitors, to a seat in this body, for his probity, capacity, and stern and unyielding devotion to the principles of the constitution; and, although suffering under the severest bodily torment from the first moment he appeared here, at the special session in 1841, he labored with untiring energy and unremitting zeal in the business of the Senate, and engaged, with uncommon ardor, in many of its most important debates. Apparently trembling on the very verge of life, such, however, was the intenseness of his mental energy, and his devotion to the public service, that he daily hazarded that life at the call of duty; and such were the manifestations of talent he exhibited, that hope was indulged—though his feeble and wasted appearance mocked it—that a life so valuable would be long spared to his country, and the highest senatorial honors be placed within his grasp. Though young, and unaccustomed to this theatre of action, he nevertheless emitted, whilst here, sparkles of intellectual splendor, presaging for his maturer years a mental radiance of the greatest brilliancy.

To me personally, Mr. President, his loss is a severe one, as I had counted much on being his colleague and associate here, upon the aid I should receive—wholly unused as I am to the forms and business of legislative bodies—from his more matured judgment and enlarged experience.

In his private intercourse, suffering, as he did, under so much bodily pain, Judge McROBERTS may have been deemed by some unsocial; but it is not so: he was eminently social among those with whom he was intimate

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*The Death of Senator McRoberts.*

[20TH CONG.]

—possessing a proper share of human sympathies, and strong attachment to his friends. But it is as an intrepid statesman, who never swerved from what he deemed correct principles, that he is most favorably known to his constituents and to the country at large. As such, he exhibited at all times the high attributes of a great character, and was never found wanting when it became necessary to prove how much principle is superior to policy. It is as such he was greatly endeared to his State, and by which he was enabled to stamp his name with honor upon its judicial and legislative history, and caused it to occupy no undistinguished place upon the records of this body.

It may be that some whom I now address, and shall call upon to vote the usual honors paid to the dead, have been irritated, at times, by the zeal and earnestness with which he defended his principles and pressed his honest convictions, thereby arousing feelings so characteristic of our nature, and so apt to be engendered by party collisions. To all such I would entreat that the grave be a barrier to their further indulgence; let all feeling of resentment be extinguished within its hallowed precincts.

It is for you, Senators, to determine what honors shall be paid to his memory. I present the resolutions customary on such melancholy occasions:

*Resolved, unanimously,* That the members of the Senate, from a sincere desire of bestowing every mark of respect due to the memory of the Hon. SAMUEL McROBERTS, deceased, late a Senator from the State of Illinois, will go into mourning, by wearing crape on the left arm for thirty days.

*Resolved, unanimously,* As a further mark of respect for the memory of the Hon. SAMUEL McROBERTS, the Senate do now adjourn.

MR. ALLEN said: Mr. President, it is my purpose to second the motion just made by the Senator from Illinois. It may not be deemed inappropriate for me to do so, as the deceased was my personal friend, and as I was the last of his brother Senators whose hand he ever touched. Soon after the close of the last session of Congress, I found him, on my way to the West, at the city of Wheeling, dangerously, and, as it soon proved, fatally sick. His strong desire to reach his home, and to live or die, as his doom might be, upon the bosom of his native soil, amid his friends and constituents, had prevailed upon him to pass the mountains through weather but too well calculated to aggravate his malady. The morning after my arrival, he was borne from the city to a steamer in the Ohio, and I accompanied him down the river. He was accompanied also by a young gentleman in attendance upon him; but what was far more important to his condition, and grateful to his feelings, he was accompanied by his amiable wife, whose attentions to him were as assiduous as it was possible for the most de-

voted affection of the living to bestow upon the best beloved of the dying. His disease was, I believe, one of the forms of consumption—a disease which, it is known, ever flatters its victim with the hope of life, even in the presence of death. So was it with him. He seemed not fully conscious of his proximity to the grave. He spoke to me—whenever the intermissions of his almost continuous coughing would allow him to speak of his friends in this body—of many who are now before me. But especially did he speak of one who has since followed him to the tomb. He spoke of the ever-to-be lamented LINN, the noblest, purest, and most perfect of human beings I have ever known. He spoke of him with the feelings of a brother; for, when confined to his bed with sickness during the preceding winter, Doctor LINN, as his friend and physician, had sat by his side like a ministering angel, employing, for his relief, all the resources of genius, experience, and benevolence. He spoke, too, of his own condition—of his hopes of recovery—of his desire to spend the intervening vacation partly in study and partly in travelling for the restoration of his health. But it was obvious to all others about him that disease had already too far wasted away his constitution for those hopes to be realized. I therefore advised him by all means to stop at the city of Cincinnati, where the ablest medical aid might be obtained; and when his wife united in the expression of the same wish, he yielded to our importunities. I parted with him at the mouth of the Scioto. A few hours more brought him to Cincinnati, where he was received by a highly intelligent and devoted friend, at whose residence he received all the assistance which medical science and devoted friendship could offer. He died on the seventh day after we parted. His eulogy has just been pronounced by another, in the beautiful language of sincerity and truth. I will not disturb the harmony of that language, by an attempt to add any thing more than to say that his eulogy is more fully pronounced in the actions of his life. In the midst of his manhood, his utility, and his hopes, he has passed from the Senate to the grave. Of this, Mr. President, the wise Author of our nature forbids us to complain; but our nature itself obliges us to deplore it. I second the motion.

The resolutions having been adopted,  
The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 18.

After prayer by the Rev. S. Tuston, the journal of yesterday was read.

Messrs. BLACK of Georgia, and REUBEN CHAPMAN of Alabama, were announced to the Speaker as being in attendance. They were qualified, and took their seats.



[MR. SUM.]

*The Death of Senator McRoberts.*

[DECEMBER, 1843.]

*Death of the Hon. Samuel McRoberts.*

A message was received from the Senate, by Mr. DICKINS, their Secretary, stating that that body had passed a resolution, testifying their respect for the memory of SAMUEL McROBERTS, late a Senator from the State of Illinois, which he was directed to communicate to the House.

Mr. WENTWORTH, of Illinois, then rose and spoke as follows:

It is with feelings of extreme delicacy that I (a new member, and the youngest on this floor) arise to address you at this early stage of our session; and it is a painful consideration that I must make my first speech—first not only on this floor, but first on the floor of any legislative body whatever—upon this a funeral subject. But I have lost a friend, and so have you, sir; and so has the State of Illinois, and so has our common country, and so the cause of humanity and liberty everywhere. The Hon. SAMUEL McROBERTS, a member of the United States Senate from Illinois, has left this world for a better. He died very suddenly, on his way home from the last Congress, at Cincinnati, from a cold he had taken in crossing the mountains. Judge McROBERTS was a native of Monroe county, State of Illinois, and received his education at Transylvania, Kentucky. At a very early period he was appointed clerk of the circuit court for Monroe county, which office he held until the court was abolished. He was then elected to the State Senate; thence he was transferred, by General Jackson, to the office of United States district attorney for the State of Illinois; thence transferred to the office of receiver of public moneys at Danville; and thence to this city, to the office of solicitor of the General Land Office; which he resigned to accept the office of United States Senator, tendered him by the Illinois Legislature,—the duties of all which stations he discharged with the strictest promptitude, the utmost fidelity, and universal commendation.

With a very modest distrust of his own abilities, and a determination never to act until he could act understandingly, he had not made that parade before the world which others have, in the short period of time that he held a seat in the other wing of this building. But those who were most intimate with him, acknowledged him possessed of all the elements of a great man—indomitable energy, quick perception, and a sound judgment. His fame might have been slow, but it would have been sure. Wherever he moved, he made an impression; and often left firm conviction where more than doubt remained before. The subjects he grappled with, he always mastered; and, thinking not of the premature death that impended him, he was laying the foundation, by industry the most indefatigable, for future eminence and usefulness. Could he have lived a few years longer, I should have been spared the trouble of telling who he was. His fame would have been commensurate, at least, with the bounds

of our country; and higher and still higher honors would have been the free and glad gifts of an admiring people.

Greatness, however, is not always synonymous with goodness. But, whilst Judge McROBERTS was emphatically a great man, (though his greatness had not yet had so ample scope for development and extension as that of others,) he was indeed a good man. To serve a friend, no sacrifice was too great for him; and his heart ever beat quick with the impulses of kindness, gratitude, and patriotism. From early experience, he knew the privations of a frontier life. He knew what it was to be without laws, and to be beyond the pale of court jurisdiction; and he could paint, in living colors, all the horrors of an Indian massacre. Hence his sympathies with the Oregon settler, to whom he wished extended the protection of the American flag, and the blessings of American law. After the profoundest research, (as his speeches will show,) he came to the conclusion that Oregon was ours—ours by original discovery, ours by several treaties, and, consequently, ours by right. He, then, was for reclaiming it from British usurpation, and for extending over American citizens—the adventurous and deserving pioneers in American enterprise and civilization—all the advantages and privileges of the American constitution; and, even though but little of Oregon was ours, over that little our flag should wave, and it becomes ours by possession, as it is by title. And it was enough for him to know that the poor emigrant needed governmental protection, for him to advocate it with all those mighty energies which were in his power. Such was SAMUEL McROBERTS, now no more. The perishable part of him has vanished forever. But his good name—his fame remains. Ay, sir, the memory of his transcendent virtues still lingers like twilight hues when the bright summer's sun is set.

Within the past year, sir, the political firmament has lost two of its most brilliant luminaries; and they were both from the same body—Senators LINN and McROBERTS, friends and associates in early life, and almost contemporaries in death. The loss of one was announced yesterday, and for him we wear this badge of mourning. The loss of the other I now announce; and I announce it as one who deeply mourns. And I know that my country mourns with me. True, sir, these luminaries arose in the distance—in the Far West, as some call it; but in the rightful geographical centre of this great Republic, as I call it; yet their effulgence was irradiating every section. The fame of one, so far as the knowledge and feelings of the people were concerned, had reached the culminating point of American statesmen, and the other was fast approximating it.

But these geniuses corruscate no longer. And whilst we, lesser lights, shine the brighter for their extinction, let us not be unmindful of our transition state—of our ephemeral dura-

DECEMBER, 1848.]

*Death of the Hon. Barker Burnell.*

[28TH CONG.]

tion; that our lights will soon be put out; and that we, too, "in a moment, in the twinkling of an eye," may be called to give an account for the deeds done in this our probationary being. Let us then, Mr. Speaker, so conduct, with reference to our God, our country, our fellow-men, and especially to each other, that if others should be called to ask the usual testimony of respect to our memory, and vote of condolence at our loss, that vote may not be, as I know it was not yesterday, and I know it will not be to-day, a ceremonious, cold, and heartless one.

*Resolved*, That, as a testimony of respect for the memory of the Hon. SAMUEL McROBERTS, deceased, the members of this House will wear the usual badge of mourning for thirty days, and that the House do now adjourn.

The House then adjourned.

#### IN SENATE.

THURSDAY, December 14.

#### *Death of the Hon. Barker Burnell.*

A message was received from the House of Representatives by the hands of Mr. McNULTY, their Clerk, informing the Senate of the adoption by that body of certain resolutions in testimony of respect for the memory of the Hon. BARKER BURNELL, deceased, late a Representative from the State of Massachusetts.

Mr. BATES rose and said: Mr. President—As many Senators are now present to whom Mr. BURNELL was not personally known, it is proper I should state, in few words, who and what Mr. BURNELL was. He represented the district in Massachusetts which was so long and so effectively represented by the Hon. JOHN REED, his immediate predecessor. He was an inhabitant, and I believe a native, of the island of Nantucket. He was a gentleman of singular purity of life and character; open, direct, manly, and patriotic in his views and aims—utterly abhorring whatever he deemed sinister, or selfish and wrong. He was ardent in his temperament, yet kind, humane, and generous. His mind and his attainments were of a high order. No man in Congress better understood than he did the great navigating and commercial interests of the country; or labored more assiduously than he to promote and advance them.

Mr. BURNELL, very early in life, was elected a member of the House of Representatives in his native State, and was for several years a member of the Senate. When General Harrison was inaugurated President, he took his seat for the first time in Congress. He was one of the four gentlemen who were, on the first ballot, elected to the present Congress by a constituency, than which I know of none more worthy, and by a vote of approval which was the crowning honor of his life.

During the long session, Mr. BURNELL indure

his health by a too anxious and prolonged devotion to business. He was worse the last session; and after the close of it, remained in this city. Although in the almost daily hope and expectation of returning home to the embraces of his friends, he was not able. He died in June by a recurrence of hemorrhage of the lungs. *Moriens reminiscitur Argos*. Not only remembering his island home, he died in the Christian's faith, and in the Christian's hope. He left a widow, (a lady with whom it is the happiness of some of us to have been acquainted,) and, I understand, a son of much promise; to whom, as also to the numerous friends of the deceased, a just tribute of respect for his memory by the Senate of the United States cannot fail to be grateful and consolatory.

Mr. BATES then offered the following resolutions:

*Resolved*, That the Senate has received with deep sensibility the communication from the House of Representatives, announcing the death of the Honorable BARKER BURNELL, of Massachusetts, who was a member of the last Congress, and at the time of his death, a member elect of the present Congress.

*Resolved*, That in token of sincere respect for the memory of the deceased, the Senate and its officers will wear crape upon the left arm for thirty days.

The resolutions were concurred in; and The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, December 14.

After prayer by the Rev. S. Tuston, chaplain to the Senate,

The minutes of yesterday were read by the Clerk.

#### *Death of the Hon. Barker Burnell.*

Mr. ADAMS rose to announce the death of Mr. BARKER BURNELL, of Massachusetts, and he spoke as follows:

At the second session of the twenty-seventh Congress, it became my painful duty, amidst the arduous labors and important deliberations of the House, to announce the decease of one of my then colleagues, a member of the House from the Commonwealth of Massachusetts.

The same melancholy service has now devolved upon me again; and at the very threshold of a new Congress—when every heart should bound with hope that the legislation of the nation has fallen into hands busily intent, and abundantly qualified, to advance the prosperity and promote the general welfare of this great community—the heart is saddened with the reflection that one of our number, among the most ardent, zealous, upright, and intelligent co-operators with us for the accomplishment of that glorious purpose—the happiness of the people, has been taken from us in the midst of his usefulness and honorable career, cut down by the scythe of Death.

[1st Sess.]

*Death of the Hon. John Millen.*

[DECEMBER, 1843.]

I am to communicate to this House the demise of **BARKER BURNELL**, late an active and efficient member of the 27th Congress, and by the suffrages of an enlarged constituency destined (had so it pleased the omnipotent Disposer of events) to take an active, vigilant, and laborious part in the proceedings of the Congress now first assembled in these halls. Such has not been the will of Heaven. This hall shall hear his voice no more.

He was a native of Nantucket, a small island of the ocean appendant to the State of Massachusetts, long renowned as the mother of a race of men, for unblemished integrity, for perilous enterprise, for energy of exertion and hardihood of endurance, unsurpassed by any other portion of the dwellers upon this terraqueous globe. In saying this, I do but repeat, in humbler strain and simple language, the magnificent tribute of justice to the forefathers of the present age, nearly seventy years since pronounced by the most eloquent lips that ever graced the British House of Commons. The panegyric of Edmund Burke upon the Nantucket whalemén of his age, has resounded in every corner of the earth where the English language is spoken or understood. It has stood the test of time, and will be cherished in the memory of man so long as that language shall live to express the thoughts of the wise, the benevolent, and the free.

Sir, the islanders of Nantucket, our contemporaries, have not degenerated from the virtues of their fathers; and of that race of men **Mr. BURNELL** was the worthy representative on this floor. Born and nurtured among them, as one of themselves, and chosen by their voluntary, unbought suffrages, he reflected upon the deliberative councils of the nation the express image of their character. He had represented them before in both branches of the Legislature of his native Commonwealth. Those of us now present who held seats in this hall at the last Congress, have seen and heard him here. Two years from last May, he came, full of life and hope, and vigorous energy, to serve his country as a trusty counsellor; and faithfully did he fulfil that trust. So thought his constituents, who, with the increased numbers of congenial spirits on the adjoining continent, had, with a confidence in him riveted by experience, re-committed the charge of their interests to his hands, already enfeebled by that insidious disease which was hurrying him to the tomb! During a great part of the last session of Congress, he was disabled for attendance in his seat; and, at the close of that Congress, he was left in the confinement of a sick chamber. There, on the 1st of May last, I took leave of him, in the tender and affectionate nursing care of a partner worthy of himself, and to whom his life was more precious than her own. I left him with a yet lingering hope that we might, under happier auspices, meet here again. That hope was doomed to disappointment; his dissolution was near at hand; and on the 15th of last June he

expired, far from his beloved native island, but with all the appliances of domestic love and friendly kindness that could smooth the bed of death—

"By strangers honored, and by strangers mourned."

**Mr. A.** concluded by offering the following resolutions:

*Resolved*, That this House has heard with deep sensibility the annunciation of the decease, in this city, on the 15th of June last, of the Hon. Barker Burnell, a member elect of this House from the Commonwealth of Massachusetts.

*Resolved*, That this House tenders to the surviving widow and relatives of the deceased the expression of its sympathy on this afflicting bereavement; and, as a testimony of respect for the memory of the deceased, the members and officers of the House will wear crape on the left arm for thirty days.

*Resolved*, That, as a further mark of respect for the memory of the deceased, the House do now adjourn.

*Ordered*, That the Clerk do inform the Senate thereof.

The resolutions were unanimously agreed to; and

The House adjourned.

IN SENATE.

FRIDAY, December 15.

*Death of the Hon. John Millen.*

A message was received from the House of Representatives by the hands of **Mr. McNULTZ**, their Clerk, informing the Senate of the adoption by that body of certain resolutions in testimony of respect for the memory of the Hon. **JOHN MILLEN**, deceased, late a Representative from the State of Georgia.

**Mr. COLQUITT** rose and addressed the Senate as follows:

**Mr. President**: I have in my hand a resolution which I intend submitting for the adoption of the Senate, that this body may unite with the House of Representatives in paying some tribute of respect to the memory of **Col. JOHN MILLEN**, a member elect from the State of Georgia to the present Congress. It is not my purpose to eulogize his life and character. No matter how strong might be my inclination to speak of his many virtues, I am too well acquainted with the feelings of the human heart not to know that, *at this time, before this body*, my remarks could claim no higher interest than would result from your characteristic politeness. I have so recently heard, from the eloquent lips of surviving friends, the announcement of the lamented deaths of associates here—acquaintances rendered dear to you by their many qualities—and have witnessed the sincere response of deep-toned feeling on your part, to the call to mingle your sympathies with country and friends, that I could not hope now, (no matter how strong my desire,) to touch a single chord that would vibrate with interest in the

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history of a stranger. I shall ask, therefore, for the memory of Col. MILLEN, but the common and ordinary mark of respect. He was a *Georgian*, a *native Georgian*; the city of Savannah was the place of his birth and his death. I am told his parents died while he was young; that he was bred an orphan, without ancestral fame or patrimony to sustain him. His own virtuous integrity was an ample substitute for family name; his talents and industry more than an equivalent for fortune. That he was successful, you need only be told that he acquired wealth by the practice of law in the city of his nativity; that he had friends—numerous friends; his repeated election to the Legislature of his State, and his more recent election by the people of Georgia, to the present Congress, are the best testimonials. With the path of glory bright before him—in the noonday of life, and before he had entered upon the high and responsible duties to which he had been called by the confidence and partiality of the freemen of his State,—his friends, about the middle of October, were summoned to mourn his death. As additional evidence of regard, I offer, for the Senate's adoption, the following resolutions:

*Resolved*, That the Senate has heard the announcement of the death of Col. JOHN MILLEN, member elect from the State of Georgia, with feelings of deep sensibility.

*Resolved*, That, in testimony of respect for his memory, the members and officers of the Senate wear crape on the left arm for the space of thirty days.

The resolutions were adopted; and  
On motion by Mr. BERRIEN,  
The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 15.

*Death of the Hon. John Millen.*

Mr. STILES, of Georgia, rose and addressed the House as follows:

Mr. Speaker: At the request of my colleagues on this floor, I rise to add another shade to the gloom which already pervades this House. Day after day have we here been admonished from the tomb; warning after warning have we for three days successively received, and yet it has pleased Him "in whose hand are the issues of life," that a fourth sun shall not set until it shall have furnished *still another* memento of the uncertainty of human existence.

It is, I perceive, a time-honored custom of this House, that the announcement of death is ever followed by a cessation from the duties of life. Whether the practice "to strike our colors" at each repeated triumph of the "fell destroyer" be designed as emblematic of that day when "the wicked shall cease from troubling and the weary be at rest," or whether intended as an opportunity to listen to the solemn admonition of our own frail and transitory

being, the object is commendable, and the occasion, if improved, will instruct us in the value of life, its purposes, its duties, and its destination; and enable us to return again to the world the purer, the better, and the wiser, from this silent and uninterrupted communion with the dead. It is not my purpose (nor indeed would it be my wish) to pronounce a studied eulogium, or to bestow unmerited applause upon the subject of the present resolutions. Eulogies upon the departed have become but equivocal evidences of merit; and indiscriminate panegyric no honor to the dead, and no benefit to the living.

Col. JOHN MILLEN, born in Savannah, elected by the citizens of Georgia to the present Congress, died in his native city on the 15th of October last, aged about forty years.

Finding himself in early life cast upon the world without parents and without patrimony, Colonel MILLEN—with an energy which ever characterized him, and which could alone supply the place of the former and dispense with the necessity of the latter—devoted himself, with no farther preparation than a defective early education, to the laborious profession of the law. After the shortest term of preparatory study, he was admitted to the bar, and became at once an efficient member of the legal profession. He was soon distinguished among his associates by perseverance, acuteness, and eloquence; and by an extensive and lucrative practice, which almost immediately accompanied his efforts, "he succeeded (as it is said) in accumulating a property abundantly sufficient to satisfy any reasonable man."

Like the sun of his own native South, he was warm and ardent in his feelings, true and unwavering in his course. His errors and infirmities, if any he had, (and none are spotless,) were but the result of his generous nature; his faults were such only as were found to have grown out of virtues, and his heaviest offences to have been grafted by human imperfections upon the best and kindest affections.

He was never married. The warmest and tenderest ties were not severed in his death. He left no parents to deplore, no widow to mourn, no orphans to weep over his untimely end; but there does survive him *one*, and one alone, of whom it is not too much to say that in *her* all these dear relations were most tenderly and beautifully blended. He left a lone and single sister, who to him was these "all in one, and one in all," and who, as the grave closed over the mortal remains of a fond and doting brother, must have pronounced an agonizing farewell to all her earthly kindred, happiness, and hopes. "May that Being that tempers the wind to the shorn lamb" comfort her in this hour of her utmost need, and sustain her now, short of her protection, against the "wintry blasts" of a cold and heartless world. Col. MILLEN served for many years in the Legislature of his native State; and by his readiness in debate, as well as his effective and ponu-

[1st Sess.]

*The Sword of Washington and the Staff of Franklin.*

[DECEMBER, 1843.]

lar eloquence, he was enabled to accomplish measures which, conferring benefit on his constituents and honor on himself, will render his legislative course long a subject of grateful remembrance.

At the last general election for members of Congress in Georgia—not by a district, not by a portion only of the people, but by the voice of the whole State—he was chosen one of her Representatives in the first branch of the National Legislature.

His fellow-citizens had determined for him a change in the field of his usefulness, but an all-wise and inscrutable Providence had ordered for him a still greater change—a change from an earthly to a heavenly field of labor; and instead, like his colleagues on this floor, of witnessing on this day the untried scenes of a congressional life, he is now engaged in witnessing the “untried scenes of eternity.” Let us not, my colleagues, murmur at our loss, but rejoice in having reaped the benefit that sad lesson was intended to impart. Time, although the destroyer of life, is still the friend of humanity: although he holds in the one hand a scythe wherewith he cuts through the thread of our existence, he holds in the other an hour-glass, whereby he warns us to improve the portions of duration which remain to run. And to the members of this House let the awful memorials of the dead which have recently been crowded upon us, impress us all more sensibly than ever with solemn and suitable reflections. Let them convince us more clearly “what shadows we are, and what shadows we pursue.” And above all, let them suggest, with a force never before felt, the vanity of all human attainments, compared with “that wisdom which cometh from above,” “whose ways are pleasantness and whose paths are peace.”

It remains to us only to pay the last tribute of respect to the memory of the deceased by the adoption of the usual resolutions, which I now transmit to the Chair.

*Resolved*, That this House has received with deep sensibility the communication of the death of the Hon. JOHN MILLEN, a representative of the State of Georgia.

*Resolved*, That the members of this House will testify their respect for the memory of the deceased by wearing crape on the left arm for thirty days.

*Resolved*, That, as a further testimonial of respect for the memory of the deceased, this House will now adjourn.

The resolutions having been adopted—  
The House adjourned:

SATURDAY, December 16.

*The Election of Chaplain.*

The House returned to this order of its business, and Messrs. STRONG of New York, DONALD of Illinois, and HENLEY of Indiana, were appointed the tellers to take the vote.

The following were the nominations:

Mr. STRONG nominated F. T. Tiffany, Episcopalian.

Mr. HENLEY nominated W. L. Daley, Methodist Protestant.

Mr. DOUGLAS nominated Henry W. Dodge, Baptist.

Mr. DUNCAN nominated Isaac Ketchum, German Reformed.

Mr. GILMER nominated Isaac S. Tinsley, Baptist.

Mr. KING, of Massachusetts, nominated S. G. Bulfinch, Unitarian.

Mr. CAVE JOHNSON nominated M. A. Muller, Lutheran.

Mr. STRONG, one of the tellers, reported that the whole number of votes taken was - 184

Necessary to a choice - - - 98

Of which—

Mr. Tinsley received - - - 68

“ Tiffany - - - 48

“ Daley - - - 84

“ Bulfinch - - - 14

“ Dodge - - - 11

“ Ketchum - - - 9

“ Muller - - - 8

“ Dewey - - - 2

No candidate having obtained a majority of all the votes given, there was no election.

Mr. PERRY rose and offered a resolution, as follows:

*Resolved*, That the House will dispense with the services of a Chaplain during the present session.

[Loud cries of “No, no.”]

Mr. P. said he wished the members of the House to pay for their own preaching and praying; and not make the people do it for them.

[Cries of “Order, order.”]

Mr. DAVIS, of Indiana, moved to postpone the election of Chaplain, and that the gentleman from Indiana (Mr. PERRY) might have leave to introduce his resolution, if it was not now in order.

Mr. BARNARD said it was not now in order to make any motion until the pending business was disposed of; for the House was then acting under a suspension of the rules.

[Cries of “Question, question.”]

The SPEAKER decided that the resolution could be received.

The vote was then taken thereon, and it was negatived.

The House proceeded to a second vote for Chaplain; and when the vote was taken,

Mr. STRONG, one of the tellers, reported that the whole number of votes was - 188

Necessary to a choice - - - 92

Of which—

Mr. Tinsley received - - - 97

Mr. Tinsley was therefore declared duly elected.

*The Sword of Washington and the Staff of Franklin.*

A communication was received from the President, in which he stated that, in conse-

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*Transfer of Naval Appropriations.*

[28TH CONG.]

quence of some accidental omission, the resolution of thanks to Samuel T. Washington, Esq., who presented to the nation, through the House of Representatives, the sword of Washington and the staff of Franklin, did not reach him until after the adjournment of Congress; and, therefore, did not receive his approval and signature, which it would otherwise promptly have received. He nevertheless felt himself at liberty, and deemed it highly proper to communicate a copy of the resolution to Mr. Washington, as was manifested by the accompanying copy of the letter which he addressed to him. The joint resolution, he stated further, together with a copy of the letter, has been deposited in the Department of State, and could be withdrawn and communicated to the House if it saw fit to require them.

The following is a copy of the President's letter to Mr. Washington, referred to:

WASHINGTON, April 27, 1843.

"DEAR SIR: I send you a copy of a joint resolution of the two Houses of Congress, as expressive of the estimate which they place upon the present which you recently made to the United States, of the sword used by your illustrious relative, George Washington, in the military career of his early youth, and the seven years' war, and throughout the war for our national independence; and of the staff bequeathed by the patriot statesman and sage Benjamin Franklin, to the same leader of the armies of freedom in the revolutionary war—George Washington.

"These precious relics have been accepted in the name of the nation, and have been deposited amongst its archives.

"I avail myself of this opportunity, afforded me in the performance of this pleasing task, to tender you the assurance of my high respect and esteem.

"JOHN TYLER.

"TO SAMUEL T. WASHINGTON, Esq."

The House then adjourned.

TUESDAY, December 26.

*Transfer of Naval Appropriations.*

Mr. PARMENTER, from the Committee on Naval Affairs, reported a bill to authorize the President of the United States to direct transfers of appropriations for the naval service under certain circumstances. This bill having been read twice,

Mr. PARMENTER explained the objects of the bill, and expressed the hope that it would then be put on its passage. The object was to enable the Secretary to transfer the balances of appropriations from objects where they were not wanted, to works which had been commenced, and which had been suspended in consequence of the exhaustion of the appropriations. By this means, the Secretary would be enabled to carry on some works of importance, and to give employment to a number of mechanics who were necessarily discharged during the recess.

Mr. O. JOHNSON said he was about to submit

a motion that would put a stop to this proceeding. He was not willing that a matter of this importance should be passed through without full discussion in Committee of the Whole House; and he therefore moved to refer it to that committee. He made this motion for the reason that the House had no control over the expenditures of the navy, without adhering to the practice of specific appropriations; for there was no limit of a peace establishment for the navy; and the Secretary could make the expenditures for particular objects what he pleased, if allowed to transfer the appropriations in this way. For example: at the last session, they appropriated one million of dollars for certain objects, on which the Secretary had gone on to employ hands enough to exhaust two millions—thus setting his discretion above that of the Congress of the United States. It was in this way that he furnished an argument for additional expenditures to keep these men in employ, and threw the odium of refusing to continue them on Congress. He hoped, therefore, that this subject would be taken up and fully discussed in Committee of the Whole. It was a matter that ought not to be left to the discretion of any Secretary, but ought to be controlled by specific appropriations. He moved to refer the bill to the Committee of the Whole on the state of the Union.

Mr. PARMENTER here read an extract from the report of the Secretary of the Navy, more fully to show the objects of the bill, and the necessity of the transfers. He objected to the reference to the Committee of the Whole, because two months at least would elapse before it could be acted on; and the necessities of the service were immediate and urgent.

Mr. CAVE JOHNSON said that, by making these transfers, the House would lose all control of the expenditures of the navy, and enable the Secretary of the Navy to put the country to an expense for certain objects which the House never contemplated.

Mr. LEVY observed that it was not his habit to intrude any remarks of his on the House, except when the business of the Territory he represented was under consideration; but he could not refrain at the present moment from stating a fact which would clearly show the propriety of referring this subject to the Committee of the Whole, as proposed by the gentleman from Tennessee, (Mr. CAVE JOHNSON.) Out of \$800,000 or \$900,000 which had been appropriated for the repairs of the navy yard at Pensacola, (the only naval station south of Virginia,) there were at least \$350,000 unaccounted for by the Navy Department; and why was it not accounted for? Because the Secretary, instead of applying this sum to the Pensacola yard, (for which it was appropriated,) had taken it upon himself to expend it on other yards. The simple mention of this fact was enough, he thought, to show the House the necessity of adopting the motion of the gentleman from Tennessee.

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*The Home Squadron.*

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Mr. HALE hoped that this bill would take the direction proposed for it by the gentleman from Tennessee, (Mr. O. JOHNSON.) If there was one department of the Government that required a most searching investigation, it was that of the navy; and he hoped that no appropriations would be made for it, nor any transfer appropriations be made, as proposed by this bill, until that investigation was had. The appropriations for the naval service had swelled out from four millions (what they were in General Jackson's time) up to eight or nine millions. Nine millions, he believed, was what was asked for by the present Secretary; and this, too, in time of profound peace. It was time to put an end to these enormous appropriations, which amounted to more than were made in any year of the last war, when the navy was winning laurels from the most powerful nation on the earth. It would be well for gentlemen, who had other important interests in their care, to look at the vast amount of appropriations for the navy, and see if they could not cut them down so as to leave more for those objects. For his part, he would vote liberally for many important objects, and on which there would be something to show for the money expended, rather than see it squandered on the navy, and leaving no more of a trace behind than our ships leave behind them on the ocean. He trusted that this bill would not be touched for the present; and that the naval appropriations would be delayed until an investigation could be had. He had no doubt that a proper investigation would result in showing that the naval appropriations could advantageously be cut down at least four or five millions.

Mr. PARMENTER agreed with the gentleman from New Hampshire, that, to a considerable extent, the appropriations called for by the Secretary of the Navy were too high; but that had nothing to do with the question before the House. This bill was to provide for pressing emergencies; and unless it passed speedily, the public service would suffer. If necessary, he would be willing to modify it in any way to suit gentlemen, though the bill was presented in the usual form of bills of the kind, and it was necessary in this branch of the public service to vest some discretion in the Executive; but he must object to the reference to the Committee of the Whole, as that proceeding would cause a delay of at least two months. As to the investigations recommended by the gentleman from New Hampshire, he had no objection to them, and he would be willing to go for any reduction in the naval service that might be shown to be necessary and expedient; but in the mean time these necessary expenditures must be provided for.

The SPEAKER then put the question on the reference to the Committee of the Whole on the state of the Union; which was agreed to.

WEDNESDAY, December 27.

*The Home Squadron.*

Mr. HALE offered the following resolution:

*Resolved*, That the Secretary of the Navy be instructed to report to this House when the home squadron was first established by law, what have been the annual expenditures therefor, and how much of the estimated expense of the next year is intended for that purpose.

Mr. HAMLIN moved to amend the resolution, by adding:

And what duty has been performed by the home squadron.

Mr. HALE said he would state the object of the resolution. It appeared, from the report of the Secretary of the Treasury, that there would be a deficiency of revenue to meet the expenses of the Government, of over four millions and a half of dollars. And to cover that deficiency, he proposed the profligate expedient of borrowing money. His own idea was, that they ought to reduce their expenditures, so as to bring them within their income. That was the only honest policy. And looking to find where curtailment could best be made, he perceived that the Secretary of the Navy asks for the Navy Department nearly nine millions of dollars—nearly a third of the whole revenue of the country to be expended upon the navy.

He believed they were indebted to this Administration for the home squadron. The whole sixteen vessels which composed that squadron were said to be necessary to protect the coasting trade; and though the portion of the country from which he came was deeply concerned in the coasting trade, yet he himself was convinced that many of those vessels might be dispensed with. If this information were laid before the House, they would have something tangible on which to lay their hands, in the way of retrenchment and reform. He wanted this information for the purpose of pointing out to the House where an enormous expense might be cut down, without endangering any of the interests of the country. Gentlemen had talked about being prepared with a sufficient navy to meet and contend with the naval power of Great Britain; but had they any idea of the outlay which was required to support such a navy? The expense of the navy of Great Britain amounted to between eighty and a hundred millions of dollars annually. We were not in want of such a great naval establishment to make ourselves respected at home or abroad. General Jackson alone had produced an impression upon one of the oldest nations of Europe, which it would be impossible for this Administration to do with the assistance of all the navies in the world.

Let this information be laid before the House, and they would see how they might avoid the profligate expedient of continuing to borrow money without being able to pay. It was not the policy which this Government ought to pur-

sue—for the pay-day must come—in a time of profound peace, when every branch of industry was in successful operation; when the hand of industry was reaping an abundant reward, still to go on borrowing and incurring large expenses for a useless navy, which had already swallowed up an enormous sum. It was time to stop; it was time to show the country that they were in earnest in the matter of retrenchment; that they meant what they said; that their professions were not all idle and vague, but that they were determined to carry them into execution. He asked for this information, that they might see where the remedy was to be applied. It certainly could do no harm.

Mr. O. J. INGERSOLL spoke for a few moments in opposition to the resolution, in too low a tone of voice to be heard. When heard, he was understood to say that he always had thought and said that the expenditures for the navy were more than they ought to be. He had no doubt at all but that, by a judicious system of administrative economy—not by cutting down and tearing up by the roots, but by a simple and proper system—at least one million of dollars might be saved in a year in that branch of the public service. He did not say this much without knowing what he spoke of; but he said it by the authority of a highly respectable officer of the navy, who, twelve months ago, was one of the commissioners of the navy board. He desired, however, to say to the gentleman from New Hampshire, and to all the new economists of the House, that they must begin at home; and before they commenced with other departments of the Government, they must economize the expenditures of Congress. He held in his hand a memorandum, which he had procured this morning, showing the amount of the expenditures, not of the Navy Department, but of the congressional departments, and he would tell gentlemen what they amounted to. He spoke of the last Congress, and, in doing so, spoke without reference to that Congress more than any other. Sir, (said Mr. I.,) I have it from the proper department that these expenditures fell little short of two millions of dollars. Then he had had a statement made out in the office of the Clerk here, by which it appeared that the amount exceeded two millions—say about two millions of dollars for the expenditures of the last Congress. And while (said he) we are cutting down the navy, or any other branch of the Government, let us do something, if we can, to correct our own extravagances. Let us begin here; let us set the example to the other departments of the Government; and then we may expect to accomplish something valuable in the way of economy. He would inform gentlemen of one thing he meant to do on his part; and that was, to offer a resolution that this House (the Senate concurring) would adjourn *sine die*, on some day in the month of May next. It is in vain (said he) for us to sit here and rail at the extravagances of other departments of the Gov-

ernment, while we set them so bad an example as we did in the expenditures of the last Congress. He was confident that the greatest extravagance in the country was in this Capitol; and he would therefore reduce the expenses of this, the most important of the departments of the Government, before he attempted to reduce others. He would effect a considerable reduction by shortening the sessions of Congress; and he was not sure but that a session of Congress might, by some accident, be pretermitted, and the country not be ruined by it. We came here (said he) at an expense of a couple of millions to our constituents, and expended a considerable portion of it in dismounting a regiment of dragoons; and he believed that, at the last session, they dismissed some of the pages and some of the subordinate officers of the House, while an endeavor was made to check some of the extravagances of the army and navy. He himself endeavored to check some of the extravagances of the judiciary—the only department with which he was acquainted—but without success. He had shown to the House that the expenditures of this department had mounted up from \$40,000 a year to \$487,000; and, though some reduction was made, it was put back again at the end of the year. Everybody knew that, at one period of time, the finances of France were farmed out. Now he had no doubt that, if they could get six or eight clever and intelligent men to administer the resources of this Government, and limit their expenditures to twenty-seven millions, they could keep up the army and navy on the most respectable footing, and make fortunes for themselves besides. True economy did not consist in cutting down the establishments of the country, but by a judicious administration of their affairs; and if it was not obtained in this way, it was in vain to hope for it in any other. You may put down the home squadron this year, and you may dismount a regiment of dragoons the next; but this will amount to next to nothing. As long as in this Capitol the public expenditures are more than they ought to be, so long will the other departments of the Government follow the example thus set them. As long as the expenditures for your foreign missions, though they do not amount to a great deal of themselves, are doubled; as long as the officers of the army, as was done by a distinguished officer at the last session of Congress, can excuse themselves for drawing too much, by alleging that other officers do the same thing; as long as, by some arrangement of the departments, each bureau is considered a separate command, and paid for accordingly; so long as it is the practice, in the army and navy, for officers to certify that such things are done when they are not done, and receive pay for them—so long could he assure the gentleman from New Hampshire that the mere putting down of the home squadron would leave the work but half accomplished. He believed gentlemen were beginning at the wrong end, and



[Mr. Adams.]

*The Home Squadron.*

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in the wrong way. He believed that if the expenditures of the Government were to be reduced at all, it would only be done by an administrative economy, and by looking into every department with an eye to what could be saved. He was told that the present Secretary of the Navy was of opinion that \$600,000 could be saved by this process at once. He had no knowledge of his own on this subject; but he had learned from a distinguished officer of the navy, that in the navy-yards, in the equipment of ships, by the waste and extravagance caused by allowing officers to rebuild ships when they pleased, and the loss on the provisions of ships, just returned from sea, which have been taken or thrown away, the greatest abuses have been practised, which have assisted in swelling up the naval expenditures to their present enormous amount. When he was told that there were long-standing abuses, both in the navy and army, which the gentlemen who practised them were not aware of, he answered that, by beginning at home, and setting the country a good example, and showing that they were resolved to apply the rule to themselves, they might then lay their hands on the army and navy, and accomplish a great deal. He would not take his seat without uttering a sentiment which he had very much at heart. The gentleman from New Hampshire and himself, if he was not mistaken, belonged to the same political party. He did not often speak of parties; but, said he, the responsibility rests with us; we are answerable, and we ought to be answerable; and if, by the extravagance of our contingent expenses—if, by not introducing a system of administrative economy into every branch of the Government—if, by simply talking about economy, and dismounting a regiment of dragoons, or reducing the home squadron, we do not reduce the expenditures of the Government to an amount within our resources, the responsibility that will rest on us will be a heavy one. I do not, said he, often allude to parties—still less to the presidential question; but I now declare that we shall have no right to say a word to the people on any party question, or presidential question, unless we show that we are in earnest in carrying out retrenchment and reform. His friend from South Carolina (Mr. CAMPBELL) added "a reduction of the tariff also." If the House would recollect, he, last session, spoke of the Pennsylvania platform; and his friends from the South would recollect that he offered them a position on it which they would not take. He then told them that he offered them a drink of wine and water, which they refused to taste; and asked them how they relished the pure whiskey they were obliged to swallow. As for his friend from New Hampshire, (Mr. HALE,) strong and sonorous as his voice was, he might depend upon it that he never would be able to effect any valuable retrenchment and reform, unless he began in the Capitol; and that confining his retrenchment to the navy and the

home squadron would not do. The navy must not be the scape-goat. Let us (said Mr. I.) take the beam out of our own eyes; it is very large, and cost about a million of dollars more last Congress than it ever did before. We must show to the navy and army, and the judiciary, that we are in earnest, by beginning with ourselves; and we shall then be respected, and able to elect our President.

Mr. ADAMS observed that he had been very much amused at the course the debate had taken, and particularly by the remarks of his friend, the peacemaker, (Mr. C. J. INGHAM,) and the aid he had given to the gentleman from New Hampshire, in his proposition of economy and reform. The gentleman gave the House, undoubtedly, a great deal of instruction as to the manner in which it should carry out retrenchment and reform, and finally elect a President; but his remarks did not happen to apply to the motion of the gentleman from New Hampshire; for he led them away from that motion, and told them, in substance, that it was not the nine millions of dollars asked for by the Secretary of the Navy—and he did not know how much asked for the army—that was to be retrenched. Oh, no! The army and the navy were not the great expenses of this nation; it was not by curtailing the military and naval expenditures that economy was to be obtained, but by beginning with the two Houses of Congress. And what was the comparison, to come to dollars and cents, between the expenses of that House and the Navy Department? Why, the gentleman, with all his exaggerating eloquence, had made the executive, legislative, and judicial powers of the country, to cost at least two millions of dollars; while the estimates of the navy were nine millions, to enable our ships to go abroad and display the stripes and stars. And for what purpose was it necessary to have this home squadron? Was the great maritime power of the earth in such a position towards us as to authorize us to expect a hostile British squadron on our coasts? No; he believed not. Then what was this nine millions of dollars wanted for? There was a statement, two years ago, in the report of the Secretary of the Navy, in which they were told that our present navy, in comparison with that of Great Britain, was only as one to eight—that is, that the British navy was eight times as large as ours. Now, in that year eight millions of dollars was asked for the navy; the report of the present year asks for nine millions. This report contained the principle that we must go on to increase our navy until it is at least one-half as large as that of Great Britain; and what, then, was the proportion of additional expense we must incur to arrive at that result? Why, four times eight are thirty-two; so that it will take an annual expenditure of thirty-two millions to give us a navy half as large as that of Great Britain.

If, however, gentlemen were to go on in this way, \$32,000,000—nay, \$50,000,000 would not

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be enough to pay the expenses of their navy. The gentleman from Pennsylvania was willing, at the last session, to go on and increase the navy until it could go up the Thames and burn London.

Mr. O. J. INGERSOLL said he recollected that his burning of London was only in retaliation for the gentleman from Massachusetts taking a British fleet up the Mississippi, and burning Natchez. [Laughter.]

Mr. ADAMS (after some other observations, which were not heard at the reporter's desk) expressed his approval of the resolution of the gentleman from New Hampshire, and his gratification that it had come from such a quarter—a quarter which was so deeply interested in having a due protection for their mercantile navy and their coasting trade, by the establishment of a home squadron. At the time the home squadron was first proposed, he was, himself, in favor of it, and it was adopted with but very little opposition; and the reason was, because the House did not understand it that time. It looked to a war with Great Britain. It looked more particularly to a war with Great Britain, (the honorable gentleman was understood to say,) provided she took the island of Cuba.

Mr. O. J. INGERSOLL made some remark, which was not distinctly heard.

Mr. ADAMS replied: What, would you go to war for Cuba?

Mr. INGERSOLL. Yes, without a moment's hesitation, rather than let England have it.

Mr. ADAMS. Well, I would not go to war with England, at present, for any thing at all.

Some other conversation ensued between Mr. ADAMS and Mr. O. J. INGERSOLL, which was in so low a tone of voice that it was wholly unintelligible at the reporter's desk.

Mr. ADAMS resumed his remarks, and was understood to refer to the Texan and many other questions, on which a war with England had been looked to when the home squadron was established; and then he returned to the questions of economy suggested by Mr. INGERSOLL; and denied, as he proceeded, that economy should be limited to the home departments, and not embrace the army and the navy. He saw no necessity for a large navy, unless it was to insult other nations, by taking possession of their territory in time of peace. What was the good, he asked, of a navy which cost the country \$9,000,000 a year, compared with what was done there in the legislative department of the nation? He expressed his ardent hope that the gentleman from Tennessee, (Mr. CAVE JOHNSON,) and the gentleman from North Carolina, (Mr. MCKAY)—now the chairman of the Committee of Ways and Means—would persevere in the same spirit that marked their conduct during the last Congress, and still advocate reductions in the army and the navy. If they compared the appropriations of the last Congress with the recommendations of the Secretary, it would be found that the reductions

then made were not less than \$4,000,000 in the one department of war alone. Why, the propositions of the Secretary then contemplated an army of 80,000 men; and what did Congress do? Why, instead of making that increase, the army was reduced from 12,000 to about 8,000 men—a reduction of one-third. And there was a similar reduction in the navy. And he ventured to say that the 27th Congress was the most retrenching Congress the country had had for a long period.

In relation to the administrative economy recommended by the gentleman from Pennsylvania, (Mr. O. J. INGERSOLL,) he said that this was the place of legislation, and not of administration; but if a committee should be appointed, as was done by the last Congress, with the gentleman from Pennsylvania at its head, what would he be able to accomplish? The gentleman could save nothing but candle-ends, and he doubted if he could effect even that saving. The result in the last session was—what? The cutting off one or two of their pages or small attendants; the limiting of the number of quills which the members of that House should use; and also the wafers, and bits of sealing-wax. By the constitution, the Executive was responsible for the administrative departments; and he (Mr. ADAMS) made no reproach against President Tyler for not reducing the expenditures of his administration, for it was for the House to draw the purse-strings together when making the appropriations. He did not charge any Administration with extravagance; he had never charged Mr. Van Buren's Administration with extravagance; it was for Congress to cut short the appropriations, as was done last Congress; and he believed reductions could be carried even further than they were carried by the Congress which preceded the present.

He alluded, in the course of his subsequent remarks, to the reduction of \$100,000, made on the motion of the gentleman from Pennsylvania, (Mr. O. J. INGERSOLL,) in the appropriations for the circuit and district courts, &c., and the introduction of that item afterwards into an Indian treaty bill, passed at the close of a session of the last Congress; and concluded with an expression of his desire that the resolution of the gentleman from New Hampshire should be adopted.

Mr. HALE next desired to address the House; but, as the day was far advanced, there was a disposition manifested to adjourn; he, therefore, submitted a motion to that effect.

And the House adjourned.

THURSDAY, December 28.

*Home Squadron.*

The following resolution, submitted yesterday by Mr. HALE, was taken up, as the first business in order:

*Resolved*, That the Secretary of the Navy be in-

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structed to report to this House when the home squadron was first established by law, what have been the annual expenditures therefor, and how much of the estimated expense of the next year is intended for that purpose.

Mr. HALM observed that, at the time of the introduction of the resolution which was now the subject of debate, he did not suppose that it would have elicited so wide a discussion as had taken place. To prevent any further misconstruction, he wished more fully to state the objects he had in view, and to disclaim others which had been imputed to him. In the first place, he would repeat what he had stated before, that in view of the facts stated in the annual message of the Chief Magistrate, that the country was prosperous in all the various departments of industry; that the products of agriculture had been bountiful in the extreme, and that we were at peace with all the earth,—it was also stated, that in this time of general and unprecedented prosperity the expenditures of the Government exceeded our revenues some four or five millions. Notwithstanding all this, gentlemen, instead of seeking how to provide resources for the Government, and to bring down its expenditures within the annual revenue of the country, were studiously devising new objects of expenditure, and looking out for occasions for additional appropriations. It would seem, from this state of things, that the maxim that a national debt was a national blessing found peculiar favor with some gentlemen on that floor. Not holding to such opinions, he had, on coming here as a Representative of the people, cast his eyes round to find out the point at which this much talked of but little practised retrenchment and reform should commence; and on doing so, it struck him that the Navy Department was the one most proper to begin with. It struck him that, as the expenditures of this department had swelled up in a very short time from three millions annually to nearly nine, it was time that an inquiry should be made into the causes of this increase of expenditure, with a view of applying the proper remedy. On looking to the public documents, it would be seen that the expenditures for the navy during the last year of Mr. Van Buren's administration—that very period about the extravagance of which so much has been said—amounted to somewhere about five millions; and taking the two last years of that administration together, they amounted to about nine millions—the sum now asked for one year. It seemed to him, therefore, that this department required looking into, and particularly that the inquiries made by the resolution, in relation to the home squadron—this thing of but yesterday, which in one year had increased to sixteen vessels, should be answered. One word in regard to the resolution itself. He made the inquiry in it, in regard to the time when this home squadron was established, not because he wanted the information for members of Con-

mation in this form before the people. He wanted them to know when it was established; how long it had been in operation, and at what cost to the public treasury; and the services it had rendered. He wished the people to judge for themselves whether it was proper to carry retrenchment and reform into this branch of the public service. But these natural and proper inquiries had been met by the gentleman from Pennsylvania, (Mr. O. J. INGERSOLL.) And how? The gentleman admitted that the expenditures for the navy were too high, and ought to be reduced. He admitted that the greatest abuses existed in it, but he did not want this department touched. He wanted the attention of the House first to be turned to the expenditures of Congress. Mr. H. was glad that the gentleman had pointed to the extravagance of the legislative branch of the Government, and hoped that his experience would enable them to search them out, and apply the proper remedy; but he could not agree with him in resisting reform in all the other departments till the abuses in this were corrected. He listened yesterday to the remarks of the gentleman with much attention, and with the hope of hearing some practical plan of economy pointed out; but he listened in vain, for all the gentleman's eloquence evaporated in the useless profession that he would, at some early day, offer a resolution for an early adjournment of the two Houses of Congress. He confessed that he was sick at heart, and almost despaired of being able to accomplish any useful measures of reform, after finding that all the gentleman's professions of economy evaporated in a promise to move for an early adjournment. Why, if this was all that was to be done, they had better go home at once. He would say to the gentleman from Pennsylvania, and to all others, that they could move for no day of adjournment so early that he would not vote for, consistently with passing the necessary appropriation bills; but he came here to retrench the expenditures of the Government within its means; and if that was not done, the blame should not be laid at his door. He could not but be struck at the manner in which the gentleman brought out the two millions of expenditures for the last Congress. It seemed to him that this fact was presented as an offset to the nine millions of expenditures for the navy. But why? If there were abuses in the expenditures of the two Houses of Congress, let them be ferreted out and corrected; but the House should not be driven from its purpose of reforming any branch of the Government, on the plea that its own expenditures ought to be reduced. He believed that the greatest abuses existed in every department of the Government, and that the extravagances of all required correction. Look at the army of 8,000 men only, kept up at an expense to the nation of \$1,000 for each man. Was not this a crying abuse that ought to be corrected? Why, if the proposition had succeeded to increase the army to 20,000 men, the expenditures at this rate would have been twenty

millions annually. If any gentleman knew of the existence of abuses, let him bring them to the notice of the House, and he would vote not only for the proper inquiry into them, but to apply the remedy.

In regard to this home squadron, he begged leave to disclaim any of the suspicions entertained by the gentleman from Massachusetts. In offering his resolution, he had no reference to Cuba, or any thing else suggested by the gentleman. He wanted the House and the country to look at it as the Secretary of the Navy presented it to their view. As to the pretence that it was intended for the protection of the coasting trade, it was a most idle one. He wished the gentleman from Maine (the State most largely interested in that trade) to say whether they needed any such protection. He would answer for them, and say that they did not. He himself lived among those who were extensively engaged in the coasting trade, and the most of his property was invested in it. He could, therefore, speak with some knowledge on the subject; and he hesitated not to say, that the idea of keeping up this squadron for its protection was a most preposterous and idle one.

In reply to the gentleman from Pennsylvania, he would disclaim any desire of cutting down or destroying the navy; on the contrary, he was most friendly to it, and he therefore wished to reform its abuses. Sir, said he, the navy has been the pet child of the nation, and, like all other pet children, has run away with the whole patrimonial estate. The expenditures of this department were annually increasing in geometrical progression; and to meet them, the country is called upon to borrow money. This was a system of policy that met his decided disapprobation. It was a dishonest policy; and the House would be branded with hypocrisy if it attempted to pursue it. Here they were going on to tax the people to the utmost point of human endurance, instead of inquiring where the expenditures of the Government can be reduced. They were taxing a hard-working people, the average of whose daily compensation did not amount to one dollar a day, while waste and extravagance existed in every department of the Government.

What benefit, what advantage had the people derived from this lavish expenditure? Were the constituency of this House persuaded of the propriety and the justice of taxing every thing which they have occasion to use, while, at the same time, this Government was squandering large sums uselessly? There was a large party in that House who were calling for a reduction of the tariff; there was a large party in favor of giving away the public lands, while, at the same time, they were increasing the expenses of the Government at the rate of fifty per cent. per annum. How could such a course be justified by that House to the country? If it were found that the best interest of the country required the maintenance of the home squadron, then he would go for it; but if it were found

to be utterly useless, as he believed, then he was decidedly against it. But he would give this further notice, that he did not mean to stop here; that when the appropriations should come up, he intended to propose to limit those appropriations to a sum sufficient only to support the squadron stationed in the Mediterranean. It was entirely useless for this country to endeavor to contend with monarchies in keeping up the pageantry of a naval establishment.

He desired to correct an error which he had made yesterday in the statement of the expense of the naval establishment of Great Britain. He spoke from recollection merely, when he said that it amounted to eighty or one hundred millions of dollars annually. That was, in fact, their expenditure during the year 1818-14; nay, they even exceeded that sum. Since that time, the expenditure for the naval establishment of Great Britain had been gradually reduced, and now did not exceed thirty or forty millions.

But unless the Representatives of the people in that House were willing to see the people of this country taxed and ground to death, as the people of Great Britain are; unless they were willing to see nine-tenths of the wages of their industry drained from them to support a pampered aristocracy;—unless they were willing to see this, he said, they must give up contending for gorgeous displays. The idea that with our economical notions, they were going to cope with Great Britain, and keep up an idle display of fleets in foreign seas, was the most preposterous thing that was ever proposed. He agreed with those gentlemen who were in favor of a reduction of the tariff—with those who were in favor of the ascendancy of the Democratic principle, which looks to the greatest good of the greatest number; and he asked them to consider whether the hand of economy might not be applied with very great advantage to the subject to which he had directed their attention.

It was with no feeling of hostility to the navy that he made this proposition. Some of his most valued friends held commissions in the navy; but believing it to be the duty of that House to restrain all lavish expenditures, he had called their attention to this point, and he did not mean to be diverted from his purpose. He had not introduced the subject for any idle purpose, nor for the sake of having a hobby upon which to ride to popular favor; but he had done so, from a sense of the obligations which rested upon him, as one of the Representatives of the people upon the floor of that House.

Mr. J. R. INGERSOLL (who, from his position in the hall, was but imperfectly heard in that part of the House where the reporter sat, and, consequently, an outline only of his remarks can here be given) next addressed the House. He had no fault to find with the resolution of the gentleman from New Hampshire, as every inquiry of this kind contributed to the information of members, and of the country at large. But if the resolution were intended as a preliminary step to cutting down, reducing, or dimin-

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lashing the necessary expenditures of the naval establishment of this country, he, for one, notwithstanding the ruthless rage which had manifested itself among all parties of late in favor of retrenchment, would stand up against it. He was opposed to that sort of retrenchment which strikes at the existence of so important a branch of the national service. The country required a navy, and it must have one. In relation to the home squadron, the inquiry made by the gentleman was unobjectionable in itself. In fact, it was highly necessary, in the way of information. The gentleman had, however, misconstrued the report of the Secretary of the Navy; which report, he must be permitted to say, had been drawn up with great ability and candor. It was nowhere stated in that report that the use of the home squadron was confined to the defence of the coasting trade of the country. On the contrary, it was designed, when occasion required, to course over the world of waters—to pass beyond the Pillars of Hercules, which bounded the view of the ancient mariner, and to carry the protection of our fleets to the most distant quarters of the globe. Its operations begin at the banks of Newfoundland, extending thence to the Gulf of Mexico, sweeping the coast of that immense inland sea, proceeding onwards to the Caribbean Ocean, and protecting our commerce throughout the West Indies. It was not confined to the home trade.

When his honorable friend from Massachusetts (Mr. ADAMS) raised his voice against an object upon which he, as a citizen—and he might say as a patriot—felt a peculiar interest, he confessed his heart sunk within him, for he dreaded the influence which the gentleman had it in his power to exercise, from his just appreciation of every subject, from his experience and his judgment. He remembered well when, during the last Congress, the subject of retrenchment in the army and navy was brought forward, and which succeeded but too well, when there seemed to be doubts hovering over the minds of gentlemen on that floor; and when that gentleman rose and expressed his sentiments, with a weight and a force of manner and of language which he knew (he had almost said better than anybody else) how to exercise, he carried everybody with him. He, (Mr. INGRAM,) however, had then resisted, and it would yet be demonstrated that he was right.

What was it that could induce that House to endeavor to carry out this course of retrenchment in regard to that branch of the public service which had tended so greatly to build up and to increase the prosperity of this country? In 1816, a law was passed to increase the navy; and in 1832, another law was passed, by which half a million was appropriated annually, for six years, for the increase of the navy. Why did they increase the navy? Was it that they might again cut it down? The prosperity of the country, at this moment, was mainly owing to the instrumentality of the navy; and, unless that navy was kept in a proper condition

—unless the seamen were properly encouraged, and the officers properly qualified for the discharge of their duties, which could only be done by a liberal expenditure—this Government would not be doing justice to itself. In fact, they would soon be in a state of retrogression. He asked the gentleman, the mover of the resolution, to point out what there was in the report of the Secretary of the Navy which was liable to objection, or which could be made the subject of complaint. What was it? Was it that part which recommended for the officers of the navy a course of honorable and useful employment? Was it that part which recommended encouragements to be extended to seamen? Do we owe nothing to our navy? He did not stand there to pronounce a eulogy upon it, but he would ask, ought they not to cherish that navy which had rendered the country such signal service during the last war—that navy which equalled, nay, surpassed, he might say, the achievements of the middle ages? Time could never cancel the obligations which they owed to their navy. The sentiments and opinions of the people were decidedly in favor of it; and (to adopt the language of one who was well skilled in human nature) in their opinions the people are seldom wrong; in their sentiments they are never mistaken.

The position that a navy is indispensable could not be controverted. God forbid that a country with seventeen millions of people should not have an extensive navy for its protection! Let the affairs of the navy be looked into, and when abuses exist, let them be remedied; but let not that which contributes so materially to the prosperity of the country be destroyed or abandoned. He trusted that, though the resolution might be adopted, the House would take no premature or unnecessary action upon it. If economy be the order of the day, let that economy be directed by discretion, without arresting the onward course of this country to prosperity.

Mr. E. J. MORRIS said he had the honor to represent a district which had an immediate interest in the navy, and a district which had contributed to the navy such characters as a Bainbridge, a Decatur, and others who were identified with American naval glory. He knew very well, when the cry of "economy" and of "retrenchment" was raised, that it was very difficult to stand up against it; it was very difficult to resist that which bore on its face practical reform; but he asked gentlemen to look at the navy at the present time, and what was it? Was it too large? Was our commerce reduced, that our navy should fall back? Had the expense of maintaining the navy become so great that immediate retrenchment was necessary? No. Of the 68 vessels which constitute the American navy—a number that was made up of brigs, schooners, ships, and steamers—there were but 53 that were fit for actual service, and but 39 that were fit for service as a coasting squadron. We have squadrons in the Med-

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iterranean, on the coast of Brazil, on the coast of Africa, in the Pacific, and elsewhere—in all, something like six squadrons floating on the different seas of the globe; and the vessels available for that service would not allow six vessels for each squadron. It was also well known that these vessels were dispersed; and while one was in the port of Mahon, another was at Gibraltar, a third near the dominions of the Pacha of Egypt, another on the Dardanelles; and yet gentlemen rose here in their places and contended that it was necessary to reduce the expenditures for that branch of the public service. The tonnage of this country, he believed, was about one million of tons, or about one-third as much as that of Great Britain. Undoubtedly Great Britain required a great navy, with her colonies scattered in all the seas of the world; but that navy was built up, not to guard her foreign possessions—not to guard her colonies; it was built up as the American navy was built up, to guard her coast—to guard the rivers and the harbors of England. And the American navy was built up in the same way; and during the last war the victories of our navy were the theme of universal gratulation.

He repeated, that we had a million of tonnage of commercial marine; and what was the character of the American commerce? Was it confined to our own coast? Was it simply a coasting trade, confined to our own harbors and rivers? No. Our commercial and trading ships were found in the Indian Ocean, and in the China Seas, as well as in the other quarters of the globe. Such was the character of the American trade. The Nantucket whalemens, too, were found in the most distant seas; and our hardy mariners were met with everywhere. If, then, we have such a mercantile marine, and if it has so grown up, it must be sustained. He had no doubt there had been great abuses in the management of the navy; he had no doubt there had been great abuses in the disbursement of the appropriations made for the navy by the Legislature; and it was to be hoped that those who had charge of these branches of the public service would observe greater economy than heretofore. But he had but just returned from the city of Philadelphia, and he had found there a portion of his constituents, while the gentleman from New Hampshire was urging that the department paid too liberally, complaining that they were forced to work for the Government of the United States at such prices as would scarcely supply their families with daily bread, for their wages had been reduced by the present Secretary full 25 per cent.; and men who had entered that navy-yard under a tacit pledge that they should have support by liberal wages, were now striving with the Government for an existence.

He had, however, proceeded farther than he intended when he rose: he merely rose to make a few remarks in reply to the gentleman from New Hampshire; and therefore he would not detain the House any longer than to say that,

if gentlemen were determined on reducing the navy, he would call upon them first to look whether it was adequate, even now, to the purposes of a navy of a country like this. While, however, he contended that our navy did not admit of reduction, he did admit that there might be a more economical expenditure of the money appropriated for that department than heretofore.

Mr. GIMBING said if they confined themselves to the resolution before the House, their course was simple. The resolution called upon the department to inform this House at what time the home squadron had its commencement, or at what time the law constituting the home squadron was passed; and on that point it was not his purpose to make any comment. The second inquiry was, what was the annual expenditure used in the support of the home squadron? and he could not conceive that there was a single man on that floor that would record his name in favor of a refusal to answer that question, and the withholding from the House and the nation that information. But in connection with this subject, he desired to call the attention of the House to the fact, that, since 1837, during a period of five years, the navy of the United States had cost the people of the United States more than \$80,000,000, of which the proportion of the people of Ohio was nearly \$8,000,000.

This, he repeated, was during the last five years; in which time their mariners on the Western waters had suffered and died, and the shores of the Western lakes had been strewn with wrecks and the lifeless bodies of their seamen, for whose protection not one dollar had been appropriated. It was vain, then, to talk of the admiration of New Zealand savages for our stars and stripes, to our mariners who were taxed for their support, while on those Western waters they were left to perish, with no effort to save and protect them. If gentlemen supposed that he was influenced by peculiar local prejudices, he begged to disabuse their minds. He went for the whole country, and for every part of it; and notwithstanding what he had seen there since the session began, he protested that he would stand by the legitimate constitutional interests of the South, as long as any Southern man on that floor. He cared not what portion of the Union was in danger, he would stand by and support it; but never, from this day forward, would he enter into the support of the navy by voting for an appropriation of \$9,000,000 annually, until the gentlemen of the Atlantic coast would come forward to do something to protect the lives of their mariners and sailors on the Western lakes. And while saying this, he begged again to disclaim all local feelings; and he would here confess that he was not satisfied with the remarks made some days ago by a gentleman from Indiana, (Mr. KENNEDY,) who undertook, as he (Mr. G.) thought, to be a little too local in his feelings and in his views. He confessed that they of

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the West had now the power to maintain their rights which had been so long trampled upon; for, as he had remarked, they had not had a dollar of appropriation since 1837 for the protection of their lake commerce; but, having the power, he desired that they should use it with circumspection and care—asking for nothing but that which was right, and submitting to nothing that was wrong. We go, said he, for the protection of the commerce on the Atlantic—for the protection of Southern and South-western commerce, as well as for the Eastern rivers, which he was sorry to find were attacked the other day. The people of the West looked upon the interests of all the other parts of the Union as they did upon their own; and, while they claimed justice for themselves, they were willing to grant it to others. There was another branch of the inquiry proposed in the resolution which he wished to see answered; and that was, For what purpose was this home squadron established? He had never been able to answer that inquiry satisfactorily to his constituents; and when he told them that the Secretary of the Navy said it was for the protection of the coasting trade, they again asked where were the enemies that menaced it. On this branch of the subject, the answer of the gentleman from New Hampshire was all important. That gentleman told them that his constituents were deeply interested in the coasting trade, and that a considerable portion of his property was embarked in it; but that neither he nor they wanted this squadron to protect it. He thanked the gentleman for that answer; it would go to the people of the West, and they would then be better able to understand the purposes for which their money was thus expended. In regard to the navy, Mr. G. avowed the intention to go with any gentlemen, no matter what party they belonged to, in reducing its expenditures within a reasonable compass. He believed the commerce of the country did not require so large a naval force as was kept up at so enormous an expense, and he would go for reducing it. A gentleman from Alabama (Mr. BELSER) inquired the other day where the money was to come from that was required for the improvement of the Western waters. He would take this occasion to answer the gentleman, and tell him that he would get the money by taking it from the extravagances of the army and navy—by taking the money which was wasted on fortifications, which, in future times, would be considered as useless as the baronial castles of Europe. They had estimates before them now proposing an expenditure of fourteen hundred thousand dollars for fortifications, which, if applied to that object, would be money thrown away. He would save the money necessary for the Western waters, by pruning down and cutting off useless expenditures; and he said to gentlemen who were in favor of such a policy, that he would go with them, no matter what party they belonged. He cared not for party when he had such objects in view, and

would not be driven from his purpose by the argument that the abuses of this House required correction. He had some experience on this subject; and he would inform the new members that any measure of reform that they might seek to introduce would always be met in the same way. Let them attempt to reform any department of the Government, no matter what, and some gentleman would always rise and tell them that that was not the place to begin at; that there were other and more crying abuses that required correction first. Let them not listen to such arguments; let them apply the reform to the particular department they have in hand, and in that way, and that way only, they may do good.

But to return to the home squadron. It had been intimated by the venerable gentleman from Massachusetts, (Mr. ADAMS,) that this squadron was established for the protection of the slave interests of the South. They had seen, in some of the Southern papers, the aid of the Executive invoked to do something to stop the absconding of slaves from the Southern States, and this had roused up the suspicions of the Western people, and they were anxious to know the facts of the case; and when they knew that this squadron was not wanted for the protection of the coasting trade, as declared by the gentleman from New Hampshire, (Mr. HALK,) their suspicions would be roused to a higher pitch. Why, it was stated in the Southern papers, the other day, that a lieutenant in command of one of our national vessels went on to the coast of Florida in search of fugitive slaves. An officer of the United States abandoned the commerce he was to protect, and prostituted his flag for the base purpose of catching fugitive slaves.

Mr. LEVY begged leave to inform the gentleman that it was not only fugitive slaves the officer went in search of, but *fugitive murderers*.

Mr. GRIDGINS disclaimed any sectional feelings in the remarks it was his painful duty to make, but he must speak on this subject as it deserved; and in doing so, would treat Southern gentlemen with all kindness. He would tell them, then, that the people of Ohio would never consent to have their money expended to protect the slave-trade, while their vessels were submerged in the storm for want of harbors. They would not consent, while the necessary appropriations were denied them, that their money should be poured into the Atlantic States to protect the Atlantic slave-trade. He did not mean to say that this was the true object of the home squadron. He trusted that such a degradation would not be put upon our flag, and that it would not be prostituted for such a vile purpose. But he insisted that the inquiries in the resolution ought to be answered. Let the people of the West know the facts. Do not keep them in the dark. If this squadron is kept up for such a purpose, let them know it, and they will say

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that it is done in violation of their most sacred rights; for they denied the power of this Government to tax them to protect this trade on our coasts and put it down in Africa. He protested that he was not sectional in his views. He would say to the South that he would protect their commerce; but in doing so, he denied that this domestic slave-trade was commerce. The Supreme Court had decided that it was not; and he would say that every attempt to involve the people of the free States in it, was an act of moral turpitude, and an encroachment on their constitutional rights.

Mr. WELLER then moved the previous question.

The question being put on seconding the call for the previous question, the vote was—ayes 67, noes 42.

HOUSE OF REPRESENTATIVES,  
WASHINGTON Dec. 29, 1848.

GENTLEMEN: I will thank you, should you publish in the Congressional Globe the remarks made by me in the House of Representatives yesterday, and published in the Globe of last evening, to make the following corrections before they are transferred to the Congressional Globe;—and oblige yours, with respect,

JOHN P. HALE.

Messrs. BLAIN & RIVES.

I am made to say, "and the most of his property was invested in it." It should read, instead of that, "a portion of the very little he had on earth was invested in it." Again, I am represented as saying, "he intended to propose to limit those appropriations to a sum sufficient only to support the squadron stationed in the Mediterranean." Instead of that, it should read, "when the appropriation bill came up, he intended to limit the Secretary of the Navy in appropriations for the squadron in the Mediterranean, and so with the Pacific and Brazil squadrons."

FRIDAY, December 29.

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Mr. SLIDELL presented the following resolutions of the Legislature of Louisiana; which were read, and committed to a Committee of the Whole:

*Be it resolved by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That our Senators in Congress, and members of the House of Representatives, be requested to use their best endeavors to procure the passage of a law to restore to General Andrew Jackson one thousand dollars, with 6 per cent. per annum interest, being the amount of the fine imposed on him by Judge D. A. Hall, on Friday, the 31st March, 1815.

*Be it further resolved, &c.,* That, in case such a law shall not be passed by the next session of Congress, that the Legislature of this State will direct the sum of one thousand dollars to be paid, with

interest, being the amount of the fine imposed on General Jackson by Judge D. A. Hall.

*Be it further resolved, &c.,* That the Governor be requested to transmit copies of the above resolutions to our Senators and Representatives in Congress, and to General Andrew Jackson.

C. DERBIGNY,

Speaker of the House of Representatives.

FELIX GARCIA,

President of the Senate.

Approved: April 5, 1848.

A. MOUTON,

Governor of the State of Louisiana.

Mr. SLIDELL moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the bill to refund the fine of General Jackson.

The SPEAKER remarked that the motion was not in order.

Mr. SLIDELL then moved a suspension of the rules, to give him the opportunity to make that motion, and on this motion he demanded the yeas and nays. In making this motion, he begged permission to state that this measure was called for by seventeen sovereign States of the Union; and he wished to know who the gentlemen were that were opposed to it.

The yeas and nays were ordered.

The yeas and nays were then taken on the motion to suspend the rules; and resulted—yeas 116, nays 40.

So the rules were suspended.

On motion by Mr. SLIDELL, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. DAVIS, of Indiana, in the chair.)

Mr. SLIDELL renewed his motion to take up the bill to refund the fine imposed on General Jackson; which motion was decided in the affirmative, without a division.

The bill having been read—

Mr. STEPHENS submitted the following substitute, in the form of an amendment:

That the sum of one thousand dollars, together with interest thereon, at the rate of six per cent. per annum, since the 31st day of March, 1815, be, and the same is hereby given, granted, and appropriated, to and for the use and benefit of General Andrew Jackson; and the same be paid to him out of any moneys in the treasury not otherwise appropriated, it being the amount of a fine paid by him for a contempt of the district court of the United States at New Orleans, at the time aforesaid; *Provided*, That nothing herein contained shall be intended to be so construed as to imply any censure upon the judge who imposed said fine, or in any way to question the propriety of his decision in said case.

Mr. C. J. INGERSOLL rose for the purpose of merely saying that it was not his intention to debate this question—indeed, the state of his health would not permit him to do so—but to say that the gentleman from Louisiana (Mr. SLIDELL) would more correctly present this matter than he could, as it was more interesting to his constituents. He had no doubt but



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the subject would be much better taken care of by that gentleman than by him. In regard to the amendment offered by the gentleman from Georgia, he could only say that the bill was drawn in such a way as to apply no sort of censure on the Judge or anybody else. If it was thought proper to introduce that subject, he would only observe, that he had taken great care to inform himself of all the particulars in regard to it, and that it would be better for the memory of the Judge to let the matter sleep. Other gentlemen, it was true, might think differently; but as the bill contained no sort of censure on the Judge, there was no cause for the introduction of the amendment.

Mr. STEPHENS would, with great deference for the gentleman who had just taken his seat, inform him that he, too, had taken some pains to inform himself on this subject; and he could say that, so far from there being injustice in his remark that the less said on the subject would be better for the memory of the Judge, it would be better for the memory of General Jackson himself that it should be permitted to sleep. For the truth of this, he would refer the gentleman to the majority and minority reports on this subject at the last session, where he would find that not one fact alleged in the report of the majority had been refuted in that of the minority. In his opinion, the Judge deserved as much praise for his firmness in defending the laws, as the General did for defending the city. He detracted nothing from General Jackson, or his meritorious defence of New Orleans. The General stood high in his estimation; but, as high as he stood in his favor, and in that of the whole country, he would say that the Judge, on that occasion, showed more moral firmness than did the General who defended the city; and he was convinced that, in future ages, the Judge would stand higher in the public estimation for his defence of the laws than the General would for defending the city. He had offered this amendment in Committee of the Whole, and should offer it again when the bill came into the House, and call for the yeas and nays on it, that the vote might go forth to the country.

Mr. SLIDELL then rose, and addressed the committee as follows: I had expected that the honorable member from Pennsylvania—who, by his position as one of the minority of the Judiciary Committee in the last Congress, as the author of the report of the minority on the subject of the remission of the fine imposed on General Jackson, and the introducer of the bill now under discussion, has justly acquired the title of its champion—would have relieved me from a duty which he is so much more competent to discharge. I am, consequently, not prepared to treat the subject so methodically as I could have wished; and I therefore hope that the House will excuse me for not being as fully prepared as I could have

desired to be. I shall not pretend to enter into any minute investigation of the facts of the case, or offer any elaborate argument in its support. The able and conclusive pamphlet which he has published on this subject, and which, on the introduction of the bill, he caused to be placed on our tables, has rendered any elaborate argument in its support superfluous. But the peculiar position which I and my colleagues from Louisiana occupy in relation to it, imperatively calls upon us for at least a passing remark.

I shall endeavor to be brief; and consequently, shall not enter into any examination of the principles of martial law, or the law of contempt. In the autumn of 1814, General Andrew Jackson, from a fortunate concurrence of circumstances, which would almost seem to be providential, was appointed to the command of the 7th military district, in which Louisiana was comprised. He had first become known beyond the limits of Tennessee by his services at the head of the volunteer militia of that State, in the campaign of 1818-'14, against the Creek Indians. Although much enfeebled by disease, he, by his unceasing activity and indomitable energy, under circumstances the most unfavorable, by a succession of bold and rapid movements, had, in a few months, completely broken the spirit of that powerful and martial tribe, and reduced them to subjection. He had manifested, on a more obscure theatre, and against a barbarous foe, those great qualities which were soon to distinguish him in a conflict on which the eyes of all nations were turned. He was about to measure his strength with the most accomplished veteran generals of the age, at the head of the most numerous and best appointed regular army that ever was ranged for battle on this continent. He had no military experience. He had probably never perused a military treatise. He knew nothing of strategy, as an art, "nor the division of a battle knew, more than a spinster." But he had that within him, by God's gift, which more than supplied the place of all that less favored mortals could only have acquired by years of study and practice. He was born a soldier, in the most comprehensive sense of the word.

At the time of General Jackson's appointment, he established his head-quarters at Mobile. A British force had been landed at Pensacola, in the adjoining pretended neutral, but really hostile, Territory of Florida. The British commander there had, by his emissaries, endeavored to foment discord and treason among the people of Louisiana. He had issued a proclamation to them, in which he announced the approaching arrival of a large British force to take possession of the country; and invited the Spaniards, Frenchmen, Italians, and Englishmen, residing in Louisiana, to make common cause with the invaders: promising relief from taxation, guarantees for their laws, religion, and property. Copies of this procla-

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mation were distributed over the whole country, between the Mobile River and the Mississippi. The British were permitted to garrison the forts of Pensacola.

Jackson, with his accustomed energy, determined upon the occupation of Pensacola; and to deprive the enemy of a place of shelter and refuge, which they possessed if not through the bad faith, at least through the weakness, of our professedly neutral neighbors. He accordingly marched to Pensacola; and having driven out the enemy, and destroyed the fortifications, he returned to Mobile. He soon after proceeded to New Orleans, where he arrived on the 2d of December. Let us now take a brief retrospect of the position of affairs at that time.

The British army of invasion was on the coast—an army composed of fifteen thousand veterans, flushed with a succession of victories, recently achieved over the most warlike people of Europe, sustained by a numerous fleet having command of all the shores of the Gulf of Mexico, and the choice of all the numerous approaches which the peculiar formation of the delta of the Mississippi offers to an invading force.

To repel the attacks of the enemy, Jackson had but a force of little more than 2,000 men, the greater part of whom were militia, (of course undisciplined,) imperfectly armed, and composed of men of all nations, and of every hue of color. The Legislature—the second elected under the State Constitution—was then in session. General Jackson was comparatively in a land of strangers. He did not understand the language of a majority of the inhabitants; he of course could not communicate freely with them, and was necessarily obliged to judge of their feelings and dispositions from the representations of others. On whom should he more naturally rely for such information than on the man who had, in the first instance, been selected by Jefferson as Governor of the ceded territory of Louisiana; and who had since, by the people of Louisiana admitted into the great Confederacy of States, been elected as their first Chief Magistrate? It appears from all the testimony, that Jackson did rely much upon the information of the Governor. Indeed, this reliance is made a matter of grave and frequent animadversion by Judge Martin, upon whom the opponents of the bill, and especially the majority of the Judiciary Committee of last session, in their adverse report, mainly rely, and cite as the most accredited authority. Governor Claiborne had repeatedly, in his correspondence, expressed his distrust of the fidelity of a portion of the population of Louisiana; and declared that the militia had been encouraged in their disobedience of a requisition of Jackson's predecessor, Flournoy, by the Legislature of the State. The Legislature had been in session since the 10th November. Governor Claiborne represented their fidelity as very

doubtful; seemed suspicious of some bad design at their prolonged session; and appeared extremely desirous that they should adjourn. On the 14th of December, the Governor proposed to the Legislature the suspension of the writ of *habeas corpus*, which was refused. On the 15th December, news reached the city of the destruction of the small flotilla of gun-boats on Lake Borgne, under the command of Lieutenant Jones, by which all the avenues of the city were left open to the enemy. Martial law was then proclaimed in the city of New Orleans and its environs. The necessity of this measure appears to have been admitted by every one. It is distinctly proved that it was so by Judge Hall.

On the 16th, Governor Claiborne advised the adjournment of the Legislature for twenty-five days. He said that the time was certainly inauspicious for that cool and mature legislation necessary to the formation of good laws; that the enemy menaced the capital, and how soon he would effect his landing was uncertain. Every hand should be raised to repel him, and every moment occupied in arranging and completing means of defence. The House of Representatives concurred with the report of their committee, who considered an adjournment as inexpedient. Should the House adjourn for the proposed period, few members would have time to leave the city; and if they did, their mileages would exceed their expenses if they continued their sitting.

The reasons urged in the report, as stated by Martin, are not calculated to give a very exalted opinion of the patriotism of those who opposed the adjournment. It is evident that, however much they may have been disposed to demonstrate their patriotism by speeches and resolutions, they had no intention of giving the only possible practical evidence of it, by joining the ranks of their countrymen in the field.

On the 23d, the British army effected its landing without opposition; and the first intelligence of it was the appearance of a division of 5,000 men on the banks of the Mississippi, within five miles of New Orleans, on the afternoon of that day. Jackson, by one of those happy inspirations which only occur to men of genius, determined to attack the invaders, although he could not muster half their force. Accordingly, on the night of the 23d, he marched from the city with his motley, but gallant band; and made so vigorous an onslaught as to force them to retreat in confusion. This sally, which, if it had proved unsuccessful, would have been denounced as a piece of Quixotic temerity, showed the consummate prudence, skill, and sagacity of our improvised warrior. He had indeed stepped forth as the fabled Minerva, completely clothed in all the panoply of war. With him, as a soldier, there was no interval between infancy and the vigor of manhood. That night was decisive of the campaign. The enemy, believing that only superiority of numbers could have inspired

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the courage necessary for such an attack, determined to await the arrival of the remainder of their force. They did not attempt to advance, but threw up intrenchments to protect themselves from further attack. This delay afforded time for the arrival of considerable detachments of the brave militia of Louisiana, Mississippi, and the West. The grand assault was made on the 8th of January, and the result of it is too well known to require mention now. It was the crowning event of the war. Its anniversary is generally celebrated as a national festival; its glory has completely eclipsed that of the 28d December; and yet military men generally concede that more credit should be accorded to him for this bold and masterly movement, than for all his subsequent services in this glorious and memorable campaign. From this time until the 19th of January, the British army remained inactive. They then broke up their camp on the banks of the Mississippi, and the greater part of the survivors re-embarked on board of the British fleet; leaving, however, a sufficient force to secure the passes with Lake Borgne, and to command the entrance of the bayou by which they had penetrated to the Mississippi. The fleet remained on the coast, and besieged Fort Bowyer at Mobile Point, which capitulated on the 12th February. On the 18th February, Mr. Edward Livingston, Col. Mansel White, and others, who had proceeded to the British fleet with a flag of truce, returned with informal intelligence that a treaty of peace had been concluded at Ghent; but no communication to this effect was made by the British commanders. The force of the British (though greatly diminished by their short but fatal campaign) was still sufficiently formidable to require unabated vigilance on the part of Jackson. To have disbanded his forces, would have been to invite an attack from an enemy smarting under the disgrace of a recent and ignominious defeat. To have relaxed the discipline of his camp, would have exposed him to the just censure of those whose safety such imprudence would have jeopardized.

Louaillier, a member of the Legislature, a Frenchman by birth, one of those who, either from disaffection to his adopted country, or from a feeling of blind hostility towards the Governor and General Jackson, had been conspicuous for his opposition to all the measures proposed by them, had published in one of the newspapers a seditious appeal to his countrymen, in which he stimulated them to disobedience of the orders of the commanding general. Jackson caused him to be arrested on the 5th March. On the same day, application was made to Judge Hall, of the United States district court, for a writ of habeas corpus, on the ground of his illegal imprisonment. A writ was accordingly issued by order of Judge Hall; but, before it was served upon him, Jackson caused Hall to be arrested for interfering with his authority in the limits of

his camp. I do not think it worth while to examine particularly into the discrepancies and changes of date on this writ of habeas corpus. They are of no consequence as regards the substantial merits of the question, although they afford to my mind great indications of the disposition of the Judge to mix himself up in this matter more as a volunteer—an officious intermeddler—than as a high functionary, called upon to discharge a delicate but responsible duty.

On the 6th of March, unofficial intelligence of the signature of the treaty of Ghent was received by General Jackson; although, by some unaccountable error of the War Department, at the same time, and by the same conveyance, he received an order to levy additional troops. This intelligence was immediately communicated to the British General, Lambert, with a proposition to suspend hostilities; which was refused. Under these circumstances, Jackson considered it imprudent to suspend martial law; but, on the 18th March, official news of the peace was received; of which proclamation was immediately made, the military disbanded, and martial law abolished. On the 12th March, Hall had been conducted beyond the limits of the camp and released, with orders not to return until peace should have been proclaimed. On the 27th March, Jackson appeared in the United States court to answer to a rule to show cause why an attachment should not issue against him for a contempt of court. He offered a written defence, verified by his oath; but the court would not even permit it to be read, and peremptorily refused to allow it to be spread upon record. On the 31st, he again appeared in court, when written interrogatories were propounded to him, to which he declined answering; when the fine of \$1,000 was imposed upon him, and immediately paid.

Time will not permit me to enter into a critical examination of these proceedings. Irregularities and anomalies of every kind might be found in them; but let us recur to a few prominent points as landmarks in the discussion of the question whether this fine was properly imposed, and whether it ought not to be refunded. I will take it for granted (what no one, at any time, has ventured seriously to contest) that Jackson was justified by the circumstances in the declaration of martial law on the 15th December; and I shall also admit, for the purpose of simplifying the question, (an admission *pro hac vice* only; for I utterly reject and repudiate it, as a principle,) that a judge has a right to punish summarily, and without the intervention of a jury, an offence committed against him out of court. The essence of every crime, offence, or misdemeanor, or whatever form a violation of penal or criminal law may assume, is the *animus*—the intention. This is recognized in the law of contempt: *anomalous* as that law

may be, a denial of the intention to commit a contempt would purge the offence. Now, General Jackson, on his first appearance, in his sworn answer, had negatived all the facts which were necessary to show a criminal intention, in a most able and eloquent exposition of all the circumstances which had determined his action.

What should have been the effect of such an appeal, made to a dispassionate and unprejudiced tribunal? Ought it not to have been received as a full atonement for any supposed offence? Would not the dignity of the law, and the sanctity of the tribunal, have been sufficiently vindicated, if Judge D. A. Hall had declared his object attained by the appearance of the victorious general at the bar of his court? Would it not have been much more magnanimous to have offered the right hand of fellowship and conciliation to the man, without whom, all acknowledge, Louisiana must have fallen a prey to the invaders? Such was not the course of Judge Hall; and, to account for his proceeding, it will be necessary to enter into an analysis of his character and history. In doing this, it will become necessary to disregard the somewhat trite and stale precept of *de mortuis nil nisi bonum*: and I do not acknowledge its general truth; for I see no good reason why, in an appreciation of character, the dead should enjoy greater immunities than the living. But it is specially unjust in its application, when living merit is to be ungenerously affected by its operation. *Nil de mortuis nisi verum*, say I; and to do justice to General Jackson, it is necessary to tell the truth of Judge Hall. He has been cited as a model of judicial firmness, dignity, and integrity. As to the last quality, I most cheerfully accord its truth. So far as the mere absence of pecuniary bias or corruption goes, I believe him to have been honest in the discharge of his official duties; and impartial, so far as his character, habits, and prejudices would permit him to be; and it is important to know these, to form a just appreciation of his course. Judge Hall was an Englishman by birth. I do not know whether he had accidentally become a citizen of the United States by his residence in Louisiana at the time of the cession, or had taken the oath of allegiance, and gone through the other forms of naturalization. Be this as it may—whether his citizenship was a matter of choice or accident—he was still an Englishman. The natives of all other countries, in seeking an asylum on our favored shores, at once assimilate themselves with our people, attach themselves to our institutions, and become Americans, in every sense of the word. Not so with the Englishman. I do not say this in disparagement of his national character; because the very peculiarity of which I speak has its source in some of the most brilliant qualities of our nature. Transplant him where you will, he is still an Englishman, with an abiding sense of the superiority

of English arms, English valor, English literature; in short, of every thing that is English, and a corresponding disposition to underrate and depreciate every thing that does not conform to his own peculiar standard.

One more argument on this point: the magnitude of the fine is, in itself, evidence that Judge Hall was engaged more in gratifying the malignity of his own feelings, than sustaining the violated dignity of his court. A fine of one thousand dollars, imposed on a man who had left his log-cabin in the wilds of Tennessee to fly to the defence of a distant section of the Union! And by whom imposed? By a man who (to use the strong but expressive term of Jackson, applied to other persons) had "skulked from service in the hour of danger." It is a fact that cannot be disputed by any one conversant with the population of Louisiana, and the history of the campaign of 1814-'15, that, while there are many brave men who have served faithfully in that campaign, and who have been since opposed to him in politics; the "skulkers"—the men who retired to the country, or who evaded service in the field on various and frivolous pretexts, are, without exception, hostile to him, and the most clamorous against the remission of his fine. Sixteen of seventeen of the sovereign States of this great confederacy have demanded this at your hands. Their voice is but the reflected expression—the faint echo—of the wishes of millions of freemen. Let those who deride the sovereignty of the people, record their votes against this bill. But your action, to be efficacious, must be prompt. If delayed for months, for weeks—ay, perhaps for days—it may arrive too late to gladden the last moments of the patriot hero "who has filled the measure of his country's glory."

Mr. BARNARD said, of course he understood very well that this bill was to be passed by this House, and that it was to be passed to-night.

But why did he, or anybody else in this country, oppose the passage of this bill, and the refunding of this fine? Was it because there was any want of gratitude for the services of General Jackson? No: it was because we have a constitution and laws; and because, when our constitution and laws are suspended, there is no security for us; and it was because General Jackson, in his opinion, and the opinion of those who acted with him, ruthlessly suspended the laws. He (Mr. B.) regretted that this matter had been introduced at all; he regretted that they were under the necessity to oppose it; but, looking at the ground on which this demand was made, they were bound to oppose it. Entertaining the opinions they did, they should be recreant to the country, and to its best interests, if they did not oppose the passage of this bill.

They had now before them the only instance in the history of this country, since the adoption of the constitution, of the proclamation of

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martial law; and they were then called upon to try the question, whether any man has a right to proclaim martial law in this country: they, as the representatives of a free people, were called upon to say whether, in their opinion, General Jackson had the right to do it. For one, he (Mr. B.) could not do it. He was not prepared now to enter into an argument on this subject; but he had a few things to say before this bill should pass. They should not pass it ignorantly. They had much to be told, for he doubted if all the members of that House precisely understood what were the merits of the act which, in obedience to party—in obedience to the high behests of party—and for the purpose of effect on party—they were now called upon to pass. Martial law was to be justified by the necessities of the case. And what were the necessities of the case? New Orleans was not the only city that was attacked during the last war. The city of Washington was attacked; Baltimore was attacked; and yet martial law was not proclaimed there: and if not there, why was it proclaimed at New Orleans? Why, because General Jackson took upon himself to suspect that there was disaffection. And was there disaffection in the city of New Orleans? Was the gentleman from Louisiana prepared to admit that the people of his State, or any considerable portion of the people of his State, were disaffected? Because it would not do to charge the disaffection of a few as a justification of martial law. Was that gentleman prepared to admit that the people of Louisiana were, at the time alluded to, wanting in fidelity to the constitution and Government of the United States? Would he dare say so? It would not do for him to say—

Mr. O. J. INGERSOLL here interposed, and was understood to intimate that, if the gentleman from New York would give way, he would move that the committee rise.

Mr. BARNARD assented; and the committee rose and reported progress, and asked leave to sit again.

TUESDAY, January 2, 1844.

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Mr. BARNARD being entitled to the floor, rose and said: As his time was somewhat limited, he would endeavor to make the best possible use of what he had. And he would go, therefore, directly into the discussion of the merits of the bill. The bill was demanded by the person for whose relief it was intended, and by his friends, as nearly as he could understand it, upon two grounds. The first was, that, without reference or regard to the fact whether martial law was in existence or not, the fine was imposed illegally—the judge having no authority to enforce it; and also that it was enforced vindictively—the judge having acted in his own cause. The other ground

was, that General Jackson had committed no offence whatever against the constitution and the laws of the country, or against the public authorities; because he himself had suspended all other authority by the declaration of martial law, which he regarded as being required by the necessity of the case, of which necessity he was the sole, exclusive, and irresponsible judge.

These were the true grounds on which it was demanded that the fine imposed upon General Jackson should be—not remitted—that was not the word—but paid back. Now, in regard to the first ground. Supposing that the civil law still reigned in New Orleans, the authority of the Judge to impose the fine was unquestionable.

The law of contempts was well settled. It was not a part of the common law, and, as such, of no force in the United States courts. That he held to be the great error committed by the able and intelligent gentleman from Pennsylvania, (Mr. O. J. INGERSOLL,) in the ponderous book he had favored them with on the subject. It was in no part of the common law that the power to punish contempts was given; but that power was inherent in the constitution of every court of justice, as it was inherent in the constitution of every legislative body. On this subject, he should not stop to read authority, but would refer the House to the case decided in the Supreme Court of the United States, after mature deliberation and solemn argument, where the principle he laid down was established. He referred to the case of *Anderson and Dunn* in this House. It was also perfectly known to every lawyer in the country that this power in the courts was concurrent with and regulated by statute. In the judiciary act, passed the first year the Government went into operation, the power to punish contempts was given to the courts. In a subsequent law, passed after the famous case of Judge Peck, that power was regulated and defined by statute. Now, he contended that the power exercised by Judge Hall was not only within the authority inherent in the courts, but within the authority of the act of 1789, as well as of the law regulating the power to punish contempts, which he had last referred to.

In order fully to understand the case, it was necessary to know that the United States court was holding its regular sessions in the city of New Orleans when, on the 5th of March, a citizen of Louisiana and of the United States, (not a soldier,) was arrested by the military order of General Jackson, and placed under military confinement. An application was made to Judge Hall, (the arrest having been made on Sunday,) and on the next day he caused the issue of the great writ of *habeas corpus*, without which great writ no citizen on the face of the earth ever has been, or will be, free. The Judge, however, directed, as an act of courtesy to General Jackson, that notice

should be given to him. Notice was given, and immediately another military order was issued by the General, and that was for the arrest of Judge Hall. This order was accordingly executed. A troop of sixty men, commanded by a field officer, entered on this duty of arresting the Judge of one of the courts of the United States; and he was arrested and confined. On the same Sunday night, General Jackson seized and forcibly detained the order of the Judge endorsed on the back of the writ, supposing that, by this summary and bold transaction, he would be able to prevent further proceedings. The clerk who had this in his possession remonstrated, and told the General that it was the order of the court that no paper should go out of his office on any account. On the next day, the writ was served by the marshal; when General Jackson told him significantly that he had already shopped the Judge, and would serve in the same way any man who invaded his camp. Judge Hall was kept prisoner till the following Saturday or Sunday; when, under another military order, he was taken from his confinement and marched off, with a guard of a file of soldiers, some four or five miles up the country above New Orleans, and then set at liberty, with directions not to appear at New Orleans again till the end of the war, or until official intelligence was received of peace. On the 22d of March, peace having been restored, Judge Hall returned to the city, and immediately opened his court, when application was made, by proper depositions, for a rule against General Jackson to show cause why he should not be punished for contempt of court. On the 27th, General Jackson appeared in court, and presented that somewhat famous defence which the gentleman from Pennsylvania referred to. It was his summary mode of conducting a defence in a court of law; he had mistaken the time and mode of making his defence, and Judge Hall refused to receive and record the paper. He was right in so doing. But let us (said Mr. B.) see, for a moment, whether the Judge conducted himself in an arbitrary and illiberal manner in refusing to receive the paper. He laid down certain rules for the Government of his case. 1st. If the party objected to the jurisdiction, the court was ready to hear. 2d. If the party offered to submit an argument to show that no contempt was offered, the court was ready to hear. 3d. And if the party would offer an apology for his conduct, the court was ready to hear. The attachment having issued, and General Jackson appearing, certain interrogatories were propounded to him, which he refused to answer; and he was fined \$1,000. But he would pass on to a more important subject. The other branch of the gentleman's pamphlet made out that General Jackson was guilty of no offence against the constitution and the laws, because he had suspended the laws by proclaiming martial law from the

necessity of the case; and of that necessity he was the sole judge, his responsibility being only to the people. This was what General Jackson himself said in his defence which he offered to the court. The constitution gave Congress authority to pass laws for the regulation of the armies of the United States; and under that Congress had passed laws for the government of the army and navy, and the militia. That code was applicable to the officers and soldiers, and to the militia when in service, but it was not applicable to any other human being. Congress itself could not proclaim martial law. It might suspend the habeas corpus act, but it could not suspend the constitution. A proclamation of martial law by the Congress of the United States would, of itself, be a violation of the constitution. Congress could not authorize the citizens of the United States to be tried by martial law; least of all could it authorize a citizen to be tried as a spy. This was what General Jackson undertook to do. He not only suspended the habeas corpus act, but he claimed the right of suspending all civil authority. In England, under the reign of the Stuarts, this sort of martial law did exist, to a limited extent. The Kings of England, prior to that reign, were in the habit of raising armies and prescribing rules for their government, and authorizing court-martials. They went one step further; and in case of treason or rebellion, authorized the trial of citizens by martial law. But, in 1688, it was, by the declaration in the bill of rights, in express terms, put an end to. After that, the King was no more to raise armies but by the consent of Parliament; no more to prescribe rules and regulations for the government of the army; and no more, from that time forever, to subject citizens, no matter for what treason or rebellion, to trial by court-martial. It was under the Constitution of the United States that the first example of such a trial was set by General Jackson.

Mr. Dawson then addressed the committee as follows:

Mr. Chairman: It was my ardent wish to have seen this bill passed without discussion. But as I have been disappointed in my desire, I cannot resist the impulse to join in this debate. It is natural, and I believe fortunate for the public welfare, that our statesmen should entertain honest differences of opinion. Every freeman in the land has a right to think and act for himself. He has a right to choose which side he will take on every public or national subject of debate; but he has no right to insult, or abuse, or to vituperate those who stand opposed to him in opinion. I am disposed to respect and tolerate every man's opinions so long as he is decorous and sincere; and I claim the same indulgence in my own behalf.

The question now to be considered is, was not General Jackson justifiable in proclaiming martial law, and making New Orleans his

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camp? We are not called upon to inquire whether Judge Hall acted toward him in error of judgment, or with a malignant or vindictive temper? No; the true and only question is, was not General Jackson compelled, by the force of circumstances that surrounded him, to proclaim martial law, and to make the city of New Orleans his camp? I admit that martial law should be proclaimed with great prudence, and only in cases of imperative necessity; and always at the peril of the commanding officer. And now, I confidently ask, if a case has ever occurred, since the sun first threw his beams athwart the gloom profound, which made martial law more imperative, more absolutely unavoidable. Is there around me a mind so contracted—a heart so dead to all deeds of daring and valor, of honor and patriotism, as to pause and hesitate whether Judge Hall should have been permitted to have lost us the advantages and the renown of the *glorious victories of Chalmette*? I ask every candid man here, if Judge Hall's support of Louaillier, under all the circumstances, was not unpatriotic and uncalled for? Intention to err constitutes crime; an error of judgment constitutes no guilt. Now I appeal to every well-regulated mind and generous heart, and ask if General Jackson was not actuated by patriotic feelings in the defence of New Orleans, and in guarding against attack after his victory? An error of judgment, then, should have received the mildest rebuke. The supremacy of the civil law would have been as nobly sustained by a nominal fine, as it was by a fine of \$1,000. The law needed no victim; the punishment was cruel and oppressive. It aimed its blow at the individual, and not at the victorious General who was accused of having merited its censure. In the language of the honorable member from Alabama, (Mr. Paine,) he had closed a disastrous war in a *blaze of glory*. He had saved a noble city from ruin, and her grateful citizens were calling down blessings on his devoted head. The fine of \$1,000 was cruel and vindictive; and the nation should long since have repaired this act of injustice on the part of her misguided officer. There is nothing in the history of this case which can tempt future officers to a similar hazard. Justice has been so tardy, that all must feel that the long and useful and distinguished life of General Jackson has alone awakened the nation to a sense of its ingratitude. Little minds are incapable of such noble daring in their country's cause; and the exercise of such a power can only be sustained in a just cause. But I hear the cry of a violated constitution. Whence comes this cry? Surely, such devoted patriots, such lovers of the constitution, are not the advocates of a national bank; of a high protective tariff; of national internal improvements; of a distribution of the proceeds of the public lands, and of the abolition of slavery in the South? If so, I bid them remember the fate of "the fellow who

swallowed the broadaxe, but got choked with the handle." *Their death may be like his!* They remind me of the self-righteous Pharisee, who "strained at a gnat and swallowed a camel." It does not add to the merits of General Jackson by attaching the blame or censure to any one. I do not desire to do so. For the sake of the argument, I will admit that Judge Hall and Louaillier, may both have acted very conscientiously. It is certain, however—certain without a loop to hang a doubt upon—that General Jackson acted like a master spirit, a great captain, and the unflinching and devoted lover of his country. If ever an emanation from the all-good Being animated a human form, it was his during the defence of New Orleans. Gallant spirit! He has proved himself his country's benefactor and the patriot's model: may his example be as lasting as the base of our mountains and the flowing of our rivers; that virtue, honor, valor, and honesty, are the only sure guides to honor and renown in our fair republic.

I would that I could impart to you my feelings as I stood on the ruins of the Fort Barrancas, on the bay of Pensacola, and at the fort above the town of Pensacola, a few years since, and reflected upon the military genius and character of this truly wonderful and extraordinary man. In the midst of this sandy waste, during a most inclement winter—such as had never before been witnessed in that country—he commenced his march late in November, with his troops worn down by fatigue, hunger, and privation, for the defence of New Orleans. He had fought his way through the Indians to the Gulf of Mexico, and had forced the Indians to sue for peace. He had taken Pensacola, and driven the British out to sea. And it was here, for the first time, that he became convinced that New Orleans was the intended point of attack. An ordinary mind would have shrunk appalled, and have yielded up the task in despair. Seven hundred miles of an exposed coast were to be defended. No means were before him, except of his own creating. His indomitable spirit felt equal to the task. His energies seemed to rise as the storm thickened around him. He left Mobile on the 21st of November, and reached Covington, on Lake Pontchartrain, on the night of the 1st of December, accompanied alone by his aid, Major Reid, after several days of forced marching. Late at night he was about to snatch a hasty sleep, when he was aroused by hearing Commodore Shields fighting on the lake. Shields was as brave a soldier as ever walked the stormy deck, or mocked the battle's din. This was an accident worthy of all consideration. No doubt now remained that the enemy were at hand. He seemed gifted with powers of ubiquity; and, even with a shattered constitution, his body seemed insensible to fatigue. He reached New Orleans on the 2d; and in five days and nights, without sleep, or rest, or repose, he had surveyed our coasts, repaired

and manned our forts, organized our militia, established armories, and was prepared for defence—evinced an energy and military forecast unequalled in the history of the world. Gallant spirit! may the evening of his days be as calm and composed as his former life has been brilliant and glorious.

General Jackson's arrival in New Orleans was hailed with that delight with which the tempest-tossed mariner views the sight of land, after all hope was lost. All eyes were turned on him, as the only hope. All before was confusion and despair. But now, brave and gallant men rallied to his banner. His very presence elicited every latent spark of courage in the land. He was entreated and urged to make the city his camp. The most noble and patriotic feelings pervaded and actuated those noble and heroic men who rallied under their country's banner in this hour of darkness and gloom. Every one of those brave men felt the importance of his station, and gloried in being considered the defender of his fellow-citizens, and the avenger of his country's wrongs. But one feeling prevailed among those heroic men—confidence in their General, and devotion to their country's weal. All united in making the city a military camp. Humanity, as well as necessity, demanded it. The citizen soldiers were thereby permitted to enjoy, in a great degree, their ordinary comforts of home, until the trumpet summoned them to the battle field. The property of the citizen's was preserved; and no act of oppression or violence was felt or complained of. The Governor, the Legislature, the judges, the city authorities, and the magistrates, were permitted to continue undisturbed their ordinary functions. Even the amusements of the city were undisturbed. General Jackson, in making the city his camp, established martial law *ex necessitate*; and it was what the citizens *all* desired. It was just what the Legislature and proper authorities should have done, if he had been absent. The people of Louisiana approved of General Jackson's conduct then; and they do so still. He received their votes three times for the Presidency, although it is well known that the politics of the State were against him. But the honorable member from New York (Mr. BARNARD) has roundly asserted, "We have now before us the only instance in the history of this country, since the adoption of the constitution, of the proclamation of martial law." Is there a member in this House who does not know that General Wilkinson declared martial law at New Orleans in 1806 and 1807, during Burr's conspiracy? He gagged our presses, and imprisoned our citizens, and shipped them to Richmond, Virginia, at his will and pleasure. He defied Judge Hall, and refused to notice his writ of habeas corpus, precisely as General Jackson did. Judge Hall never dared to bring him to trial for this offence. Judge Martin then approved of the General's conduct, as resulting from the law of necessity.

I do not desire to censure any one in all this, but simply to state the facts, for public consideration and reflection. I could mention other instances; but this is more than sufficient to prove that the honorable member from New York spoke without reflection. Hall, Louallier, and Martin, were all Europeans. General Jackson was a native of South Carolina, and will carry on his honorable body, to the tomb, the scars received in the American Revolution.

"Look here upon this picture, and on this."  
"Oh! shame, where is thy blush?"

Mr. KENNEDY said he had hoped, when this bill was first introduced, from the circumstances with which the case was surrounded, that it would have passed the House without debate. It had been debated for a long while; and he supposed, from the expression of opinion which they had already had from every portion of the United States, that they would have nothing more to do than merely to act, and, by that action, to carry out the will of a grateful people. However, there were some persons upon that floor who were willing not only to arrest the passage of the bill, but to taunt its advocates, as had been done by a gentleman there, that they could not lick it into such a shape as to enable it to pass through another branch of this Capitol. He did not know what the gentleman meant by licking a measure into a palatable shape; but he would tell him that, if he meant by it that they could not pass a censure upon the conduct of the Judge, he had no disposition to lick the measure through the House. For his own part, he was willing here, in his action upon this floor, or anywhere else, to say, in the face of the people of this country, that it was not only an illegal, but a traitorous act. If this might be called licking, then he would be one to act in the way which the gentleman called licking. He admitted that his feelings had been considerably exasperated in relation to this matter. The gentleman said they were about to violate the constitution, and to trample upon and treat with indignity the laws of the country. He despised the everlasting attempt to shield themselves by judicial and constitutional objections which gentlemen resorted to, with so much pertinacity. The judicial department of this Government was entitled to respect, so long as their conduct was respectable; but he could tell gentlemen who were in the habit of worshipping the judiciary, that it was as corrupt a branch as any belonging to the Government of this country. He supposed that gentlemen would attribute his want of reverence for the judiciary to the fact of his being a blacksmith; but he could assure them, that it was not as a blacksmith, but as a practitioner in the courts, that he had formed his opinions; and he would then assert that he had seen the judiciary frequently attempting to usurp an author-



[Mr. Sum.]

*Instructions to the African Squadron.*

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by which did not belong to them. So far from attempting to throw a judicial cloak over all cases, he would treat it just as he conceived it deserved to be treated. But it appeared they were bound to make the bill such as the other branch of Congress would be willing to receive. If he did not mistake, the other branch had heretofore passed the bill in the exact terms in which it was now offered, and which induced the gentleman to denominate it a licked bill. Why had this bill been passed through a body, the members of which, he supposed, were as patriotic as the members of this House, though, in the main, differing from the friends of General Jackson in their political views? It was because they had felt the necessity of obeying the all-powerful voice of the people of this country; because they had felt the force of public opinion, which, he thanked God, was, in this country at least, the great lever which moved all our political action; and he warned the gentleman that, if he attempted to dam up or prevent the free expression of the opinion of the American people in regard to the conduct of Judge Hall, a fearful voice of indignation would be heard from all parts of the country. Too long had this nation been disgraced by holding within its power an unjust and illegal fine; and it was his firm belief, that so long as that fine remained to rust and canker in the treasury, so long would it be a foul blot on the nation's honor. So far as an effort had been made to draw a parallel between the services which General Jackson had rendered the country and those which had been rendered by Judge Dominick A. Hall, he had not a word to say. It was enough for him that he had never known any service to be rendered to the country by Judge Dominick A. Hall, and would not even have known his name, except from the fact of its having been coupled with that of General Jackson in regard to this transaction. He believed there were many men, both in and out of the House, who were seriously of opinion that they would do violence to justice and right by returning the fine. He would go farther, and say that he believed that there were men in the country—say, even in that House—who would never forgive General Jackson for having *licked* the English army; and he believed that, from that time, the great sin of General Jackson, in the estimation of many men in the United States, was his having beaten a British army with an inferior force. These remarks might seem rather harsh, but he firmly believed what he said; and if any man thought the shoe fit him, he was at liberty to put it on and wear it. He would not, in this brief address, attempt to recapitulate the services of General Jackson in the trying and difficult circumstances in which he was placed; but he was convinced, from all that he had been able to learn of the history of the times, that no man short of General Jackson, then breathing, could have success-

fully defended the city; and why? Because he was the only man that was willing to incur sufficient responsibility to meet the dangers he had to encounter; the only man willing to risk the sacrifice of self for the sake of saving his country. He took the responsibility on himself then, as he had done on other occasions; and what was remarkable, he never did so but the hearts of the American people warmed to him for it, knowing that that responsibility was incurred to protect them from external and internal enemies. Well, he took the responsibility, and declared martial law; when he found a judge—an English judge—instead of aiding in the defence of the city, aiding and abetting mutiny in his camp. When he found this man assisting the treasonable and disaffected in their endeavors to entice away his men and leave the city open to an exasperated and cruel enemy, he took the responsibility of “shopping him;” and when he had shopped him, he very politely put him out of his lines, and told him to keep out.

Mr. PERRY would not have said one word on this subject, but for the high-wrought eulogies heaped on General Jackson at the expense of the memory of the Judge who had imposed the fine on him. He would ask if it was necessary, in order to do justice to General Jackson, hyena-like, to dig up from the grave the bones which had been long since laid to rest? He professed himself as much the friend of General Jackson's fame as any of his pretended admirers on that floor; but he did not think he would be doing him any service by advocating a bill of this nature. He believed, however, that this measure was brought forward, not for the sake of General Jackson, but for party purposes. If not for that purpose, why this late movement? It was said that motives of delicacy prevented this measure from being brought forward while Gen. Jackson was President. But why was it not brought forward in Mr. Van Buren's time? Was it because Mr. Van Buren was Gen. Jackson's only begotten political son, and that, therefore, the same motive of delicacy prevailed? He believed not; but from other and different motives. It was because the party was then strong, and did not require such aid; but now, being politically bankrupt, they wanted the aid of General Jackson's name again. If those who assumed to be General Jackson's friends, and to have the exclusive care of his reputation, wanted this money, why, in the name of God, let them have it; though he, for his part, thought that it would be detracting from his fame.

WEDNESDAY, January 8.

*Instructions to the African Squadron.*

Mr. ADAMS submitted the following resolution; which was agreed to:

*Resolved*, That the President of the United States be requested to communicate to the House copies

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of all the instructions given to the commanding officers of the squadron stipulated by the treaty with Great Britain of 9th August, 1842, to be kept on the coast of Africa for the suppression of the slave-trade. Also, copies of the instructions given by the British Government to their squadron, stipulated by the same treaty, if such instructions have been communicated to this Government.

THURSDAY, January 4.

*Election of Postmaster.*

Mr. J. B. HUNT submitted a resolution that the House now proceed to execute the order of the House directing the election this day of a postmaster of the House; on which he moved the previous question.

Some conversation ensued between Messrs. ADAMS, BARNARD, MILTON BROWN, and others.

J. M. JOHNSON was declared to be duly elected postmaster of the House of Representatives.

The House then adjourned.

SATURDAY, January 6.

*Juvenile Offenders.*

Mr. THOMASSON remarked that business for a friend had caused him to visit the penitentiary since his arrival in the city, and that he had seen two youths there, as convicts, whom he thought too young to be in such an establishment; that a newspaper of yesterday announced the arrest of two other boys, for stealing lace of the value of \$10, and selling it to a woman for twenty-five cents. This, by the laws of his State, and, he supposed, by the laws of the District, was grand larceny, and would subject the offenders to confinement in the penitentiary. He esteemed such punishment cruel to persons of their age and discretion; for their conduct in selling exhibits a lack of capacity; and he was unwilling to see persons so young cut off from society forever, as they inevitably would be, if made the associates of men hardened in crime. He desired to see everywhere, but especially in the District, a house of refuge and correction, where juvenile offenders could be placed; that, by force of precept and example, they may be reformed and restored to society, and thus consummate the paramount object of all criminal law, viz., the reformation of the offender. He therefore moved the following resolution:

*Resolved,* That the Committee for the District of Columbia be instructed to inquire into the expediency and propriety of providing, by law, for the punishment of youthful offenders other than by confinement in the penitentiary.

The resolution was objected to; and therefore was not received.

*The Rules of the House.*

The unfinished business of yesterday was the motion in relation to the report of the Select

Committee on the Rules of the House; which was pending at the adjournment yesterday, on which the gentleman from Ohio (Mr. DUNCAN) was entitled to the floor.

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On the motion of Mr. C. J. INGERSOLL, the House resolved itself into Committee of the Whole, Mr. DAVIS, of Indiana, in the chair, and proceeded with the consideration of the bill to refund the fine imposed on General Jackson by Judge Hall of New Orleans.

Mr. WELLER was entitled to the floor, and rose to address the committee. He said when this bill was first introduced, the gentleman from New York, (Mr. BARNARD,) who it seems had lashed himself into a rage, announced that they were about to pass an act in direct violation of the constitution, but that they should not do it without being informed of the fact. Now it was exceedingly fortunate for the majority on that floor that they could have the opinion of the learned gentleman from New York; that "a Daniel had come to judgment," and that the schoolmaster was abroad in the land. The gentleman from New York spent a large portion of his hour—and he hoped, now, the House was satisfied that there was some good reason for the passage of the hour rule—in his effort to prove that the constitution did not permit Gen. Jackson to proclaim martial law. Why, who ever pretended that it did? The friends of this bill placed its justification on the law of necessity. The declaration of martial law was an act for which General Jackson was responsible to the country, if the circumstances by which he was surrounded were not a sufficient justification; and in order to decide the question whether General Jackson acted right or wrong, it was unjust to argue what the circumstances were by which he was surrounded at the time to which this bill related. Now what was the position of General Jackson at that time? He had been informed, previous to going to New Orleans, by the Governor of the State of Louisiana, that disaffection existed among the citizens of New Orleans. He was so informed by a man who was in a position to understand the feelings and opinions of the people; and it is a fact already spread on the page of history, that many of the naturalized citizens of that city applied for exemption from service in the American army—citizens, too, some of whom held high office under the Government of the State of Louisiana. And after General Jackson arrived in the city of New Orleans, he found placards in the public places of the city calling upon and invoking one portion of the population to a servile insurrection. It was well known that this disaffection which had been spoken of by the Governor, existed to a great extent; and having been placed on his guard against this disaffection, after having been called upon by the public men of the city of New Orleans, and invoked to proclaim martial law, then, and not

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till then, did he take the responsibility of that step. He placed his destiny on the circumstances that surrounded him, and relied on them for his justification, knowing that if he was wrong, he was damned forever in the opinion of the American people. It was now contended, by that act, that Gen. Jackson was guilty of a usurpation. Yes, after he had been called upon by the public men of New Orleans—by many of the holders and owners of property, which was in danger—when he acted upon their directions, and declared martial law, it had been attributed to him that he acted with tyranny. If, then, the circumstances justified him in proclaiming martial law, it became necessary for General Jackson to disobey the writ of habeas corpus for the maintenance of discipline in his camp. And the necessity of the proclamation of martial law being manifest, the only question was, the necessity of continuing martial law up to the 18th of March. It was true, that a rumor reached New Orleans that a place had been agreed upon; but the same day which brought this rumor brought an additional letter from the Secretary of War ordering General Jackson to add to his army two additional regiments. General Jackson, anxious to save the lives of his own people, as well as of the enemy, made a proposition to the British commanding officer to suspend hostilities, but that proposition was rejected. General Jackson was, therefore, compelled to maintain his position until he was relieved by official intelligence.

But after his victory at New Orleans, when all classes of the people were pouring forth their gratitude to that man as their saviour, who rose up as the vindicator of the law? Who asserted that the constitution had been violated? Who denounced General Jackson as a tyrant and a usurper? Was it an American? Was it a man born on her soil? A man through whose veins circulated American blood? No, sir; it was an Englishman. It was a man born in the same country which sent forth that army which General Jackson defeated.

Mr. BARNARD rose and requested the gentleman from Ohio to state his authority for calling Judge Hall an Englishman.

Mr. WELLER said this was his authority: The declaration had been made, and never contradicted; it was also stated on this floor a few days since by the gentleman from Louisiana, (Mr. SLIDWELL,) who, he presumed, was familiar with the history of Judge Hall.

Mr. BARNARD said if the gentleman from Ohio would permit him, he would state that an old and respectable inhabitant of this city, with whom he (Mr. B.) was acquainted, knew Judge Hall when he was in college in Pennsylvania at about the age of 16 years, and knew also that his family then resided in Philadelphia. That gentleman, he was also informed, was acquainted with Judge Hall to the time of his death.

Mr. WELLER said this might be true, and yet

it did not prove that Judge Hall was a native citizen of the United States; nor were any of the parties concerned in the contest with Gen. Jackson at that time—neither Hall, nor Morell, nor Martin, nor Louaillier—natives of the United States. It came then to this, that the American constitution was to be vindicated exclusively by foreigners. This British Judge was to become the vindicator of American law. This, he confessed, was to him a remarkable circumstance.

Now, what are the evidences of that tyranny and usurpation which are attributed to General Jackson? for I have heard all these beautiful epithets bestowed upon him. When he was arraigned, he quietly tendered his answer as an ordinary citizen would do. There was nothing disrespectful in his conduct. He asked that his answer might be received; but this vindicator of the law—this British expounder of the American constitution, refused to permit it. The fine was imposed. Where was the exhibition of tyranny? Did he make any resistance? No, sir. On the contrary, he restrained the fury of the populace, who were infuriated at the treatment he had received. Sir, it is not necessary I should bestow any eulogium on Gen. Jackson. His acts have been judged by the American people, and they have decided that the fine shall be restored. It may not be done by this Congress, for the gentleman has warned us that there is a party in the other branch of Congress who will arrest the progress of the bill. But if it do not pass now, you may rely on it the day is not far distant when this act of justice will be done. You may disregard public opinion now; you may turn a deaf ear to the voice of the people, which is thundering in your ears; but this stain shall be wiped out; you cannot prevent its final passage. General Jackson is too strongly incorporated in the affections of the American people to be affected by any thing which can be said here. The record of his deeds of noble daring on the field of battle will be inscribed upon his tomb. You may rely upon it that, when the history of this country comes to be written out, that history will do him the justice which you deny him. He stands renowned amid his countrymen,

"The noblest Roman of them all."

Nature may stand up and say, "This is a man." Such a man cannot be injured by any declamation here.

Sir, I have already consumed more time than I intended, though I have, in a very desultory manner, presented this question to the House. We are now upon the eve of the anniversary of the important victory at New Orleans. For myself, I should desire that this bill should pass this branch of Congress before that anniversary—

The hour having expired,

Mr. DICKINSON next obtained the floor. The bill that is under consideration (said Mr. D.)

proposes to restore a fine imposed by a Louisiana judge upon a Tennessee general; and being a Tennessee man, I desire to make a very few remarks in regard to it. The gentleman from Louisiana remarked that this ought not to be a party question; that men of candor and uprightness ought not, when the restitution of a fine to a hero is to be made, to suffer their party feelings to control their votes. Mr. Chairman, I reciprocate that sentiment; and to know whether we shall do ourselves, and the constitution, and the country, justice, let us take a very brief view of the ground upon which the judge acted. General Jackson at New Orleans was surrounded by great difficulties. He thought then, at that moment of danger with which the whole South was threatened, he was justified in making New Orleans a military camp. He made New Orleans his camp, and declared martial law. Judge Hall believed that General Jackson had no power, under the Constitution of the United States, to suspend the laws by a declaration of martial law. When the writ of habeas corpus was issued under the authority of the court, martial law being enforced, General Jackson refused to regard it. General Jackson, believing that the danger which threatened the country was not yet at an end, continued to enforce martial law, and disregarded the process of the court. The judge was ordered to leave the camp. It is said the judge was a coward. The gentleman from Louisiana who first addressed the House, spoke as if a judge was expected always to have his gun and his knapsack; and if he had not, he must be a coward. This seems to me certainly a new principle. But how is it further proved that the judge is a coward? General Jackson is ordered to appear before him. A Tennessee general, at the head of the Tennessee army, surrounded by his life-guards, idolized by the citizens of New Orleans, approached the judgment-seat; and what reception did he meet there? Was the judge a coward when he imposed a fine of a thousand dollars? Was he a coward for upholding what he considered the authority of the court? What was the conduct of Cicero under similar circumstances? Did he not say—

"Inter armis silent leges"?

Was such the conduct of Judge Hall? No, sir; he uttered no such language: he imposed the fine. If this be cowardice, I hope that, as long as we have a Government, we may have such cowards to sit upon the judicial bench. We have heard the gentleman from Louisiana declare that Judge Hall was an Englishman. But take it for granted that he was an Englishman: is there a gentleman upon this floor who believes that a man who has sworn allegiance to this country, because he happens to be an Englishman, is necessarily a traitor in his heart—that he is always compelled to be a traitor? Is an Englishman more likely to be a traitor than a Frenchman or a Scotchman? and has it

been reserved for the gentleman from Louisiana to discover that an Englishman loves England more than a Frenchman loves France? or that a Scotchman loves the hills where Wallace fought? Is there any man who loves his country better than a Frenchman?—is there a man who loves the warriors of his country better? Does not every Frenchman delight to dwell upon the exploits of Bonaparte, more than an Englishman upon those of Wellington? Does the fact of Judge Hall being an Englishman, render him less fit to discharge the duties of his office than if he had been a Frenchman?

Dr. Linn, the lamented Senator from Missouri, put the question, in my opinion, on its true ground. He was certainly a sincere friend of General Jackson. He did not think it was necessary to make Judge Hall culpable; to heap abuse on him in order to justify General Jackson. That is a question for posterity to examine. I hope we shall not go back twenty-five years to cast obloquy on the fame of a man who has left no relatives to defend him, whether he was a native of England or America. General Jackson's fame was not in need of the support which that would give it. But the gentleman who last addressed the House, said that my colleague had represented General Jackson as a beggar. I did not understand him as intending such an expression. All who know General Jackson, know that neither his circumstances in life, nor his feelings, will allow him to be presented before the country as a beggar. My colleague opposes the measure upon the same ground with myself—on account of its containing a censure on the judge. We are willing to vote for a restitution of the fine, without imputing blame to any one. The Government has received the money twenty-five years ago; and in my opinion, it ought to be restored.

Sir, I understand the movement of the very sagacious and adroit gentleman who last addressed the House. He is one of the most adroit politicians on this floor. Why is he so anxious on this subject? Why is he so anxious to eulogize General Jackson, unless he wishes to interpose the name of that illustrious man between the two parties in this country? He knows that that name is a tower of strength, and that without it they never would have been able to raise Mr. Van Buren to the presidential chair. I can tell the gentleman from Ohio that his artifice is in vain. He will find that it is a worn-out trick. I trust that the gentlemen on both sides who are anxious that the fine should be restored, will vote against all amendments, and in favor of the bill as introduced by the gentleman from Pennsylvania.

If the gentleman from Ohio wanted to do honor to General Jackson, he thanked him from his heart for it; because, in doing so, he honored the soldier of his own native land; and with him, hundreds of his (Mr. D.'s) constituents, who shared with him in the glory of all his battles. There was not a congressional

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district in the United States which numbered among its citizens more of General Jackson's soldiers than his; and yet they were opposed to Mr. Van Buren and his sub-treasury in 1840, and would oppose him more effectually in the coming elections of 1844. He hoped that the friends of the bill would not put in it an amendment censuring Judge Hall; for if they did, he would vote against it, though he was anxious to vote for it as originally reported. He believed that if the bill went to the Senate as it was, it would pass and become the law of the land; but if they amended it with any censure of the judge, he did not believe that it could pass that body.

The friends of General Jackson had it in their power to show him to posterity in an attitude as glorious to him as that of victor at New Orleans. They could show him to posterity, teaching, by his example, the lesson, that the military was subordinate to the civil authority. They might rely on it, they never could make any thing by thrusting General Jackson forward in the next presidential contest. They would find that the people would regard such an attempt as an insult to their understandings. Such had been the case in Tennessee. The attempt to make political capital there out of General Jackson's services, for the purpose of sustaining Mr. Van Buren, had signally failed. He would tell gentlemen that it was a worn-out trick; that they would not be able, with all their skill, to hide the fox of New York in the mane of the lion of Tennessee.

Mr. DOUGLAS, of Illinois, observed that when this bill was introduced by the learned gentleman from Pennsylvania, (Mr. C. J. INGHAM,) he had hoped that it would be permitted to pass without debate, and without amendment; but the character of the amendment submitted by the gentleman from Georgia, (Mr. STEPHENS,) and the debate that had taken place on that amendment and on the original bill, had been so extraordinary as to justify and require the friends of the bill to go into the discussion of the whole subject. For one, he was not prepared to shrink from any question connected with the subject; nor was he prepared to admit the correctness of the imputations cast on the supporters of the measure by gentlemen who had spoken in opposition to it. It had been stigmatized as an after-thought or party trick, as a humbug, as an attempt to make political capital for the next presidential election—

Mr. DICKINSON here explained, that if the gentleman alluded to him, he had confined his remarks to the speeches and not to the bill.

Mr. DOUGLAS continued. He thought a fair construction required him to say that the gentleman confined his remarks to the speeches made in support of the bill; but there were other gentlemen who did not, and who attacked the bill itself. He then hurled back on them any imputations on the sincerity of those who advocate the passage of this bill. We have

been told, continued Mr. D., that we are the pretended friends of General Jackson; and that those who take the opposite ground are his real friends. Yet, in the very next breath, we find them denouncing him as a violator of the law and the constitution, and as having trampled on the rights of the judiciary. He applied these remarks to the gentleman from Tennessee, (Mr. PERRY,) so far as he imputed to a majority of the House the introduction of a humbug, so far as he asserted that it was a political design for the purpose of procuring political capital for the next presidential election.

Mr. PERRY asked leave to explain. If the gentleman would recollect the commencement of his remarks, the other day, he would find that he professed his wish to vote for the bill, and alluded to the speeches and action on it here as a humbug, and as a design to obtain political capital, &c.

Mr. DOUGLAS said he alluded to the speeches of gentlemen on the other side, when he characterized them as humbings and as a political design; for the gentlemen professed to be friends of General Jackson, while they were casting obloquy on his name. Well might the old hero say, God deliver me from my friends, if their friendship is such as this.

Mr. D. insisted that this bill was brought forward in good faith, as an act of justice—justice to General Jackson as well as to the American people. To refuse to pass it, would be an act of the grossest injustice to the American people, and would stamp them with ingratitude to their bravest defender. He was not one to admit that General Jackson violated the constitution, or the law, at New Orleans. He denied that he violated either. He insisted that the general rightfully performed every act that his duty required, and that his right to declare martial law, and enforce it, resulted from the same source, and rested on the same principle, that the gentleman from New York (Mr. BARRETT) asserted, from which Judge Hall derived the authority to punish for contempt, without trial, without witnesses, without jury, and without any thing but his own arbitrary will. The gentleman asserted that the power to punish for contempt was not conferred by the statute, or by the common law, but was inherent in every judicial tribunal and legislative body; and he cited the authority of the Supreme Court to support the assertion. He said that this power was necessary to the courts, to enable them to perform the duties which the laws entrusted to them, and arose from the necessity of the case. Now, it was from the same source that the power to declare martial law was derived—its necessity in time of war for the defence of the country. The defence of the lives and liberties of the people, as well as their property, being all entrusted to the discretion of the commanding general, it became his duty to declare martial law, if the necessity of the case required it. If it became necessary

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to blow up a fort, he was authorized to do it; if it became necessary to sink a vessel, he was authorized to do it; and if it became necessary to burn a city, he was authorized to do it. The necessity of the case was the law to govern him; and he, on his responsibility, must judge of the existence of that necessity. It was the first law of nature which authorized a man to defend his own person, and his wife and his children, at all hazards. It was that law which authorized this body to repel aggression and insult, and protect itself in the exercise of its legislative functions; and it was that law which authorized courts of justice to defend themselves and punish for contempts. He acknowledged that this was a high-handed and despotic power—one that was only to be exercised when necessary, and which ceased when the necessity no longer existed. Such was the power under which General Jackson declared martial law at New Orleans. On this part of the subject he did not intend to go into the history of all the occurrences of that period—they had been detailed in a most faithful and interesting manner by the gentleman from Louisiana, (Mr. SLIDELL.) It was sufficient for him to know that General Jackson, who was the commanding general, deemed it necessary to declare martial law in order to defend the city. It was sufficient for him to know that the Governor and Legislature of the State deemed it necessary. It was sufficient for him to know that the courts and the whole population of the city deemed it necessary; and it was sufficient for him to know that this immaculate Judge Hall himself deemed it necessary. Ay, sir, did not this profound judge—this pure patriot—did he not understand the constitution and laws when he advised the general to declare martial law? Did he deem that his advice to the general was to trample on the laws? Was he perfidious when he gave such advice? Was he laying a trap for General Jackson to ensnare him? Was it in good faith, first to advise him to declare martial law and then punish him for it? One of two things was true: either that he thought it was the general's duty to declare martial law, or that he was a false, perfidious enemy, seeking to betray him. The most charitable conclusion was, that Judge Hall did believe that martial law was necessary; and seeing the near approach of the enemy—seeing the traitors in the camp, and seeing the impending danger, did advise the general to declare martial law. Then what right had he to arrest the execution of it? If the general had the right to declare martial law, it was his duty to execute it, and Judge Hall had no right to arrest the execution of it. But let us (said Mr. D.) take another view of the subject. Gentlemen in this discussion had assumed, with much boldness, that the judgment rendered by Judge Hall was a legal one, and in conformity with the strictest rules of justice. Now let us examine, and see if it be so. In the limited time allowed him, (Mr. D.,) he would not, on

this part of the subject, question the power of the judge to punish for contempt. He would not, for the sake of argument, question the power of the judge to punish, at his own arbitrary will and discretion, without trial, without witnesses, &c. He would concede the position that the judge had the right to punish for contempt, and then he would contend that he had no right in this case to render that judgment, and that the judgment was illegal. Now he took this ground: that the declaration of martial law of itself was no contempt of the court; and if it was illegal, it was a crime for which the general was responsible to a court-martial, or to the civil courts; but the law of contempts could not reach him. Then did General Jackson do any act that amounted to a contempt? Certainly not. We are told that he arrested the Frenchman Louaillier and confined him in prison; but if he did any thing wrong in that act, (which Mr. D. would not admit,) he was only liable to indictment or an action for false imprisonment; but there was no contempt of court in that act. Then as to the arrest and imprisonment of Judge Hall himself. There was no contempt of court in that act; for when the arrest was made, Judge Hall was not sitting in court, but was at his lodgings as a private citizen. No one can pretend that, if a judge of one of our courts is assaulted or otherwise maltreated in the streets, he can go and open his court, and then summon the party before him and try him for contempt. In such a case, a judge must seek redress like any other private citizen. General Jackson, therefore, in arresting Judge Hall, subjected himself, if the act was illegal, to indictment for false imprisonment of a citizen, but by no means rendered himself liable for a contempt of court. But they were told that the real point was the refusal of the general to obey the writ of habeas corpus for Louaillier. Now it must be borne in mind that that writ was issued on the 5th, and was returnable on the 6th, at 11 o'clock, but it was never shown to or seen by General Jackson till after the hour at which it was returnable. The writ was therefore a nullity—it was dead, and it was impossible for the general to obey or answer it when it was shown, for it was then no longer of any force whatever. The general, however, on being brought before the court, submitted his answer on oath, and in which he purged himself of the contempt according to law; but the judge, in a most arbitrary and tyrannical manner, refused to receive the paper, and entered the judgment against him. If the refusal to obey the writ of habeas corpus was a contempt, still the general purged himself by oath, that it had never come to his knowledge till after it was returnable.

General Jackson did it in this case, and the statement was not contradicted; and still the fine was illegally imposed. He (Mr. D.) was willing to stake this case on the mere question of law, and he defied any lawyer, with the aid

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of all the technicalities that could be resorted to in the case, to show that General Jackson was guilty of a contempt within such a meaning as would properly subject him to the fine that was imposed. Some gentlemen had discussed this question as if the very declaration of martial law itself was a contempt; but he defied them to point out a single distinct fact which amounted to a contempt. But let that pass.

The gentleman from New York (Mr. BARRETT) had pronounced this bill unprecedented. He had said, and others had said so too, that it was an attempt to set aside a decision of a court of justice, and to repudiate its sanctity and authority in an unprecedented manner. But was it unprecedented? It might be unprecedented to remit a fine for declaring martial law; for the imposition of such a fine was unprecedented. They had been told that martial law had been declared by General Wilkinson, and yet no punishment was inflicted for that. It had also been done on the shores of the lakes by General Gaines; and he (Mr. D.) had no doubt that it had been done by others without any fine being imposed, and hence no fine had been refunded. But were bills refunding fines, and penalties, and assessments, and damages, imposed on military commanders unprecedented? If they would take the pains to look through the speech of the late candid and sincere Dr. Linn, of whom no one could speak but with respect, they would find many cases, commencing in the last century and coming down to the present time, in which bills of this kind had been passed. That had been the settled and the uniform policy of this Government; and the question now was, whether the hero of New Orleans should be excepted from the general course of legislation. Whoever recorded his vote against this bill, stigmatized the character, and affixed a stain on the fair fame of General Jackson, which Congress had uniformly refused to permit to remain on the character of other military and naval officers. And why this exception? Why this unjust, this ignominious exception? Was there any thing in the conduct of General Jackson at New Orleans that required that he should be made an exception? Was there a man on this floor that had the hardihood to say there was, and to impeach the motives, the purity, and the fidelity of General Jackson in any act he did at New Orleans? Was there a man there that would pretend to deny the necessity for the exercise of that high summary authority to which General Jackson was compelled to resort? Was there a man there who would pretend that General Jackson did not save the city, and the country, and the laws and property of the citizens, by that very exercise of high authority?

These things would not be questioned. The necessity and the glorious effects resulting from the course which that necessity prompted, were acknowledged by the whole country, and

he would even say by the whole civilized world. Then, as far as this bill was concerned, he (Mr. D.) cared not whether their acts were legal or illegal. He cared not whether General Jackson violated the constitution or not. He cared not whether General Jackson suspended all civil authority or not. If his acts were necessary to the defence of the country, that necessity was above all law. General Jackson hazarded every thing; he hazarded both life and reputation on that step, which might render him immortal if it saved the country, or, on the contrary, make him ignominious, and a by-word, and a reproach; and the man that dared to do that, deserved the protection and the plaudits of his country. He did not envy the feelings of that man that would get up and talk calmly and coolly, under such circumstances, about rules of court and technicalities of proceeding, and the danger of example, when the city might be in flames and the utmost barbarity might be committed. What were rules of court but mere cobwebs when they found an enemy with his cannon at the doors of their courts, and when they saw the flames encircling the cupola? Talk then about rules of court, and the formality of proceedings! The man that would do this, would fiddle while the Capitol was burning. [Sensation.] He envied not any man the possession of such stoical philosophy. Talk about illegality! Talk about formalities! Why, there was but one formality to be observed; and that was the formality of directing the cannon, and destroying the enemy, regardless of the means, whether it be by the seizure of cotton bags, or the seizure of persons, if the necessity of the case required it. The God of nature has conferred this right on men and nations; and therefore let him not be told that it was unconstitutional. To defend the country, let him not be told that it was unconstitutional to use the necessary means. The constitution was adopted for the protection of the country; and under that constitution, the nation had the right to exercise all the powers that were necessary for the protection of the country. If martial law was necessary to the salvation of the country, martial law was legal for that purpose. If it was necessary for a judge, for the preservation of order, to punish for contempt, he thought it was necessary for a general to exercise a control over his cannon, to imprison traitors, and to arrest spies, and to intercept communications with the enemy. If this was necessary, all this was legal.

But the ground on which he placed the defence—and he denied that General Jackson did any act which was not justified by rightful and legal authority—was as high and as sacred as that of self-defence. General Jackson did not exercise any unnecessary arbitrary authority. He did not suspend the civil law, nor close the civil tribunals, any farther than was necessary for the carrying out of the military defence of the country. To this extent he did do it, and

to this extent it was right that he should do it. In other respects, the civil law and the courts were in full force. True, General Jackson would not allow them to communicate with the enemy; but they could not surrender ought to the enemy; he deprived them of the power to commit treason; but he deprived them of no power that an honest man would desire to exercise. He imposed no restraint that any man devoted to the country would regret; and the men who instigated the proceedings against General Jackson were the men who skulked in the hour of danger.

The House then adjourned.

#### IN SENATE.

MONDAY, JANUARY 8

#### *Oregon Territory.*

Mr. ALLEN's resolution (calling upon the President of the United States to lay before the Senate, if in his judgment that may be done without prejudice to the public interests, a copy of any instructions which may have been given by the Executive, to the American minister in England, on the subject of the title to, and occupation of, Oregon, since the 4th day of March, 1841; also, a copy of any correspondence which may have taken place between this Government and that of Great Britain, in relation to that subject, since that time) came up as the postponed business of Thursday last; the question pending being on the adoption of the resolution.

On this question Mr. ALLEN called for the yeas and nays; which were ordered. Mr. A. then addressed the Senate at considerable length in support of the resolution, prefacing his remarks by an explanation, to the effect that, since the day the subject was up before, he had discovered that he was mistaken as to the person in the British Parliament who had made the declaration that the Senate bill of last session, had it become a law, would have been cause of war: it was not Sir Robert Peel, but Lord Palmerston, who had made that declaration. Mr. A., however, referred to the authenticated version of the debate in Parliament, to show what Lord Palmerston and Mr. Peel did say on the subject, with a view of justifying the assumption that the threat of war was used for the purpose of acting on this Government, and forcing it into negotiation.

Mr. ARCHER, in reply, stated that the resolution would effect nothing, as he was authorized to say that no negotiation had been entered into in England, since last session, on the subject of Oregon. The Executive of this Government had certainly made such a proposition, but it was not concurred in by the British Government; and, therefore, the instructions sent to our minister were not acted upon. The British Government had since adopted the course of sending a minister to this country with powers to negotiate and adjust all difficulties with our Government on the subject; and

that minister had either arrived at New York, and was on his way to the Capitol, or was on his passage from England, and might be expected here within a very few days. Under these circumstances, he opposed the resolution, as being calculated to embarrass the Executive in the discharge of his duties; or, if answered by a disclosure of the instructions to our minister, as likely to prove most injurious to the interests of the country.

Messrs. MOREHEAD, BERRIEN, RIVES, and CRITTENDEN, took the same grounds in opposing the resolution. It was advocated by Messrs. ALLEN and BENTON; the latter proving, from the journals of the Senate, that General Washington was in the habit of consulting the Senate on the terms of any treaty about to be negotiated, and instanced his message relative to Jay's treaty, in 1796, in which the question of boundary—this very question—was under negotiation. Mr. B. proved from this that General Washington considered it within the province of the Senate to advise with the executive upon the terms on which the negotiation of a treaty was to be laid down, and that it was the only safe way of proceeding in a question of territory. Mr. WOODBURY thought the gentlemen on the other side unnecessarily sensitive about the effect of the resolution. He did not see that it could do any harm, since the legislative action of the Senate would be, like that of the last session, strictly in conformity with the existing treaty. Messrs. BUCHANAN and KING voted against the adoption of the resolution at present; as they conceived, whatever the Senate might choose to do in its executive capacity, it was not advisable, under the circumstances stated by the chairman of the Committee on Foreign Relations, for the Senate, in its legislative capacity, to call for the only information the Executive could give—that of its instruction to our own minister; inasmuch as, if furnished and made known to the world, it might be prejudicial to the interests of this country. Mr. BUCHANAN said he would vote most cheerfully for the resolution, if brought up in executive session.

The question was then taken on the adoption of the resolution, and decided in the negative, as follows:

YEAS.—Messrs. Allen, Atchison, Benton, Breese, Colquitt, Fairfield, Fulton, Hannegan, Semple, Sturgeon, Tappan, Walker, Woodbury, and Wright—14.

NAYS.—Messrs. Archer, Bagby, Barrow, Bates, Bayard, Berrien, Buchanan, Choate, Clayton, Crittenden, Dayton, Evans, Foster, Haywood, Henderson, Huger, Huntington, Jarnagin, King, McDuffie, Mangum, Merrick, Miller, Morehead, Phelps, Porter of Michigan, Rives, Tallmadge, Upham, White, and Woodbridge—31.

So the resolution was not adopted.  
The Senate then adjourned.



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General Jackson's Fine.

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## HOUSE OF REPRESENTATIVES.

MONDAY, January 8.

*General Jackson's Fine.*

Mr. THOMPSON offered the following resolution; and demanded the previous question on it:

*Resolved*, That all debate in Committee of the Whole on bill No. 1, to refund the fine imposed on General Andrew Jackson, shall cease at four o'clock this day; and that the committee shall then proceed to vote on all pending amendments, and such as may be offered; when the bill shall be reported to the House.

Mr. PRATT desired to submit the following amendment; which was read for information:

Whereas the Legislatures of eighteen States of this Union, containing, at the last census, about fifteen millions out of the seventeen millions of the inhabitants of the United States, have instructed their Senators, and requested their Representatives, to refund the fine imposed upon General Jackson by Judge Hall.

And whereas a strong expression of public opinion has been made in favor of the same measure in the remaining States of the Union: therefore,

*Resolved*, That, at two o'clock, this day, all debate in Committee of the whole House on the state of the Union, on House bill No. 1, to refund the fine imposed on General Jackson, shall cease; and the committee shall proceed to vote upon such amendments as may be pending, or as may be offered to said bill; and then report the same to the House with such amendments as have been agreed to by the committee.

Mr. THOMPSON said that he was willing to accept the amendment as a modification of his motion, with the exception of that part fixing the hour of two o'clock for the termination of the debate.

The SPEAKER said that the question would be put on the suspension of the rules to allow the reception of the resolution.

Mr. ADAMS called for the yeas and nays, which were ordered; and the question being taken, resulted in—yeas 117 nays 54.

Two-thirds voting in the affirmative, the rules were therefore suspended.

Mr. THOMPSON having accepted the resolve of Mr. PRATT as a substitute for the one offered by him, the hour being changed to four o'clock, with the assent of Mr. PRATT, the resolution thus modified was read.

The question was then put on the second to the previous question, and carried.

The House then ordered the main question; and the resolution was agreed to.

*Mrs. Madison.*

Mr. SAUNDERS submitted a resolution, as follows—Mr. THOMPSON, of Mississippi, yielding to allow it to be offered:

*Resolved, unanimously*, That a committee be appointed on the part of this House to wait on Mrs. Madison, and to assure her that, whenever it shall

be her pleasure to visit the House, she be requested to take a seat within the Hall.

He moved this resolution in consequence of having seen Mrs. Madison in the gallery.

The resolution was agreed to: and it was ordered that Mr. SAUNDERS and Mr. CHARLES J. INGERSOLL be the said committee.

*General Jackson's Fine.*

On the motion of Mr. THOMPSON, of Mississippi, (the rules having been suspended for its reception,) the House went into Committee of the Whole on the bill to refund the fine imposed on General Jackson by Judge Hall, at New Orleans.

Mr. STEENROD said he did not think it was the design of the Democratic party in that House, as had been said by gentlemen on the other side, to make of this political capital. He could answer for himself, and he thought he might also answer for the party, that they had no such motives as those attributed to them. But what motives ought to be attributed to those gentlemen who declared they would vote for the bill, and yet made speeches against it? What capital was likely to be made by the Democratic party out of this bill? The last Whig Congress refused to pass the bill, because there were amendments; and now the Democratic party were to make capital by passing the bill without amendments. If the bill should be defeated, the everlasting displeasure of the people of this country would rest upon those by whose means it was defeated; for if there was any measure which could come before Congress, which would awaken a feeling of patriotism, it was this one. General Jackson was too nearly connected with the defence and the glory of this country, to be treated with indignity. He was held too high in the estimation of his countrymen, to be neglected by the Representatives of the people in that House.

Mr. S. then took a view of the condition of the city of New Orleans, the forces of the enemy that met it, the available means at the general's disposal, and the difficulties and dangers that he had to encounter, to show how imperative it was on him, in order to meet the great responsibilities that rested on him, to exercise the greatest firmness and vigor to arrest treason and disaffection, and prevent it from spreading. He showed, that at the time Louaillier was arrested, General Jackson's army had been greatly reduced by desertions, by the expiration of the men's service, and by the release of numbers availing themselves of the certificates of the French consul; and that the enemy, so far from having relinquished their designs on the city, had refused to accede to a truce, and still meditated another blow, to retrieve the disgrace of their defeat. Under these circumstances, had General Jackson hesitated in assuming the responsibilities he did, his army might have been dispersed, and the city left defenceless.

Mr. SEVERANCE briefly opposed the bill, and declared that he did so on principle. He denied the power of General Jackson to declare martial law, and that, consequently, he exceeded his authority in imprisoning Louaillier and Judge Hall. He contended that Judge Hall strictly did his duty as a just judge. He cared not whether the judge was born in England, Ireland, or Africa; he gave a just judgment, such as should have been given by an American judge; and he (Mr. S.) should, by his vote, show his approbation of his conduct. He would never consent that a military commander should assume to himself the power of suspending the writ of habeas corpus, when the constitution did not even allow Congress to do it, except in cases of rebellion or invasion.

Mr. HALE addressed the House for a few minutes in support of the bill, going over the ground on which he stood in giving his vote on this bill, and then expressing himself somewhat pointedly on the difficulty of understanding what was a contempt, with illustrations by the recital of punishments for contempt. He made some other remarks, and concluded with the observation, that the people were speaking, on this subject, the spontaneous language of the heart.

The committee then rose, and the bill was reported to the House without amendment.

The question was then taken upon the following amendment of Mr. STEPHENS:

That the sum of one thousand dollars, together with interest thereon, at the rate of six per cent. per annum, since the 31st day of March, 1815, be, and the same is hereby, given, granted, and appropriated, to and for the use and benefit of General Andrew Jackson; and the same be paid to him out of any moneys in the treasury not otherwise appropriated, it being the amount of a fine paid by him for a contempt of the district court of the United States at New Orleans, at the time aforesaid: *Provided*, That nothing herein contained shall be intended to be so construed as to imply any censure upon the judge who imposed said fine, or in any way to question the propriety of his decision in said case; which was negatived—ayes 38, noes 122.

The demand for the previous question having been seconded,

The main question, which was upon the engrossment of the bill, was then put and carried.

Upon the passage of the bill, the yeas and nays were ordered; and, being taken, resulted as follows:

YEAS.—Messrs. Anderson, Ashe, Barringer, Beardsley, Belser, Benton, Bidlack, Edward J. Black, Jas. Black, Jas. A. Black, Blackwell, Bossier, Bower, Bowlin, Boyd, Jacob Brinkerhoff, Brodhead, Aaron V. Brown, Milton Brown, William J. Brown, Buffington, Burke, Burt, Caldwell, Campbell, Cary, Catlin, Reuben Chapman, Augustus A. Chapman, Chilton, Clingman, Clinton, Cobb, Coles, Cross, Culom, Dana, Daniel, Richard D. Davis, John W. Davis, Dawson, Dean, Deberry, Dellet, Dickey, Dickinson, Dillingham, Douglas, Duncan, Dunlap, Ellis, Elmer, Farlee, Ficklin, Florence, Foster, French, Frick, Gilmer, Willis Green, Byram Green, Hale, Hamlin,

Hammett, Haralson, Hardin, Hays, Henley, Herrick, Holmes, Hoge, Houston, Hubbard, Hubbell, Hughes, Hungerford, James B. Hunt, Charles J. Ingersoll, Irvin, Jameson, Cave Johnson, Perley B. Johnson, Andrew Johnson, George W. Jones, Kennedy, Preston King, Kirkpatrick, Labranche, Leonard, Lewis, Lucas, Lumpkin, Lyon, McCauslen, MacLay, McClelland, McClermand, McConnell, McDowell, McKay, Mathews, Edward J. Morris, Joseph Morris, Murphy, Nes, Newton, Norris, Owen, Parmenter, Patterson, Payne, Peyton, Eliasha R. Potter, Emery D. Potter, Pratt, Ramsey, Rathbun, Almon H. Read, Charles M. Read, David S. Reid, Reding, Relfe, Ritter, Rogers, Russell, St. John, Sample, Saunders, Senter, Thos. H. Seymour, David L. Seymour, Simons, Simpson, Slidell, John T. Smith, Thos. Smith, Robert Smith, Steenrod, Stetson, Andrew Stewart, John Stewart, Siles, Stone, Strong, Sykes, Taylor, Thomasson, Thompson, Tibbatts, Weller, Wentworth, Wheaton, White, Williams, Wilkins, Woodward, Joseph A. Wright, and Yost—158.

NAYS.—Messrs. Adams, Barnard, Jeremiah Brown, Carroll, Chappell, Cranston, Garrett Davis, Fish, Foot, Giddings, Grider, Hudson, Joseph R. Ingersoll, Jenks, Daniel P. King, McIlvaine, Morse, Moseley, Phoenix, Rodney, Schenck, Severance, Tilden, Tyler, Vance, Vanmeter, Vinton, and Winthrop—38.

The House then adjourned.

#### IN SENATE.

TUESDAY, January 9.

#### Pea Patch Island.

On motion of Mr. DAYTON, the bill for the settlement of the title to the Pea Patch Island was taken up for consideration as in Committee of the Whole, the question pending being the motion submitted by Mr. TAPPAN when the bill was last up to recommit it to the Committee on the Judiciary with instructions so to modify it as to submit the question of title to the United States courts for decision.

Mr. DAYTON addressed the Senate for upwards of an hour, giving an elaborate history of the whole case. He adverted at large to the action taken by the two States—Delaware and New Jersey—on the subject, the trials had in both in relation to the claim and title of Gale, and the various attempts made to compromise the matter between him and the United States. After a very minute and clear statement of all these particulars, Mr. D. proceeded, at considerable length, to argue the legal and technical points involved in the question of jurisdiction and title, and concluded by urging the passage of the bill as reported by the Judiciary Committee.

Mr. BAYARD accounted for the controversy relative to the title derived from the Duke of York by William Penn, and stated that it was not till very lately the deed of the Crown confirming that title had been brought to light. It appeared now that the objections taken to William Penn's title—namely, that the Duke of York, 1682, when he made the grant to Penn, was only a subject himself, and could make no such grant of territory, acquired by

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conquest, for his Government, as that he had made—was not a valid objection, inasmuch as, when the Duke of York succeeded to the Crown, and became James II., he confirmed the original grant. Delaware had always claimed jurisdiction over the twelve miles circuit round the town of Newcastle, in conformity with Penn's grant. Mr. B. then gave a minute history of the proceedings in relation to the claims of the States of New Jersey and Delaware, and also the claim of Mr. Gale's representatives. He urged that, under all the circumstances, it had been judged best to acquiesce in the arrangement made by the only parties now really interested—the United States and the claimants under Gale's title. He therefore advocated the passage of the bill in its present form.

Mr. TAPPAN spoke in favor of his motion to recommit the bill, with instructions to refer the adjustment of the whole matter to the United States courts.

Mr. BREKEH considered the question narrowed down to this: that the State of Delaware, having ceded all her title to the United States, and the State of New Jersey having granted away her title to Gale, who had since come into an arrangement by which his title is vested in the United States; and one of the United States courts having pronounced judgment in his favor, it remained only to ascertain the value of the property, and pay for it. He should vote against the bill in its present form, but was in favor of its recommitment, with instructions to strike out all that part of it relative to the arbitration, and appoint appraisers for ascertaining the amount to be paid.

Mr. BAYARD informed the Senator from Illinois (Mr. BREKEH) that the trial to which he alluded, and the judgment of the court which put Gale into possession, were not conclusive, as they were only on an ejectment case.

The CHAIR stated that the mover of the pending motion had sent in a modification referring the whole matter to the decision of the United States courts.

Mr. BREKEH made a few remarks in reply to Mr. BAYARD, not distinctly heard in the reporter's gallery.

Mr. BENTON characterized the whole thing as an effort to extort money from the United States, on the mere shadow of a claim got up for speculation.

The debate was continued till past 4 o'clock, by Messrs. BENTON, CLAYTON, BAYARD, DAYTON, BUCHANAN, WOODBURY, BREKEH, McDUFFIE, and MILLER.

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 10.

#### General Retrenchment.

Mr. McKAY submitted a series of resolutions, as follows:

*Resolved*, That the Committee on Foreign Affairs be instructed to inquire, and report to this House, whether, with a view to the diminution of the public expenditures, and without any injury to the public service, the grade of some of the representatives of our Government abroad may not be reduced; and if so, what reduction of this description may, in the opinion of the committee, be safely made. Also, whether representatives now existing, of any character, may be safely dispensed with at any and what place now so represented. And, also, whether some alteration in the law in relation to the compensation of our diplomatic agents abroad, and especially in relation to their outfits and allowances, may not safely be made, which will have a tendency to check the too frequent changes taking place in the appointments of those public officers.

*Resolved*, That the Committee on Territories be instructed to inquire and report to this House what have been the expenses annually paid out of the Treasury of the United States for the courts of the United States within the several Territories, including the salaries to the judges, and all other expenses growing out of the organization and the holding of such courts for each of the three Territories for the last four years; also, into the expediency of restricting the jurisdiction of the federal courts within the Territories within the limits prescribed for the same courts within the States, and for the reduction of the number of circuits and districts, and the number of judges and marshals, and all other officers of those courts, to conform to the business so limited; and further, for the establishment of territorial courts with territorial jurisdiction, to be organized and paid as the Legislative Councils of the respective Territories may prescribe and direct; and that they report by bill or otherwise.

*Resolved*, That the Committee on the Judiciary be instructed to make the following inquiries in relation to the expenditures from the public treasury for the incidental and contingent expenses of the judiciary, namely:

1st. Whether the per diem compensation allowed to district attorneys, marshals, and clerks, may not be wholly withheld without any injury to the public service; and if not, whether such compensation may not be wholly withheld in some circuits and districts, and materially reduced in all, without such injury.

2d. What sums are paid annually in the various circuits and districts of the United States for rents or otherwise, as compensation for the use of court-houses or other buildings by the various courts of the United States during the respective sittings or terms; and the terms or sittings held annually, and their average duration for the years for which the payments for rent have been made; and whether some restrictions and regulations in reference to those payments, as well to produce uniformity, as to promote economy, should not be made by law.

3d. What have been the reasons for the great and rapid increase of those expenditures within the last few years; generally, how the moneys appropriated for those objects have been expended; for what services the principal payments are made; upon what vouchers and testimonials the accounts for those expenditures are passed at the treasury; what reduction of expenditure may be made in this branch of the public service with safety and propri-

ety; and whether any, and what, alterations should be made in the laws regulating the accounting for those appropriations.

*Resolved*, That the Committee on Public Lands be instructed to inquire—

1st. Whether the office of secretary, created by the act of 4th July, 1836, to sign, in the name of the President of the United States, patents for lands, may not be abolished; and, if necessary, the duty of signing said patents be performed by some officer in the office of the Commissioner of the General Land office.

2d. Whether the two keepers of the public archives in Florida, authorized by the act of the 3d March, 1825, may not be dispensed with, and the said archives transferred either to the office of the Commissioner of the General Land office, or of some public office in the Territory aforesaid.

3d. Whether the provisions of the act of 12th June, 1840, may not be so modified as to allow the consolidation of two or more surveying districts whenever the remaining surveys therein could, in the opinion of the Secretary of the Treasury, be completed under the surveyor general of one of them; and also, of allowing the discontinuance of said offices whenever the expenses exceed twenty per cent. of the annual amount of sales, and annexing the lands unsold to some other offices; and

4th. Whether, in consequence of the diminished sales of the public lands and other causes, the number of clerks and other officers attached to the offices of the Commissioner of the General Land Office may not be greatly reduced.

*Resolved*, That the Committee on Public Buildings be instructed to inquire into the expediency of authorizing the collection of reasonable tolls from travellers over the Potomac bridge, for the purpose of providing for the necessary repairs and maintenance of said bridge, including the compensation of drawkeepers and other attendants; that said committee also inquire into the management of the penitentiary of this District, and the causes why it has not heretofore supported itself, and whether any changes in the laws provided for its government are necessary to insure greater economy in its administration, consistently with the object for which it was established.

*Resolved*, That the Committee on Commerce be instructed to inquire into the causes of the recent increase in the number of desertions and discharges of American seamen in foreign countries; whether the laws passed for their relief have been executed or not; and especially whether the act of the 28th February, 1803, which requires the payment of three months' extra wages in certain cases, has been complied with; and, if not, then to inquire into the expediency of imposing a penalty on the master of the vessel for his refusal or neglect to pay said wages to the consul; and also of imposing a penalty on the consul for his refusal or neglect to account for the same, or of requiring said wages to be paid in the first instance to collectors, and by them accounted for to the treasury, to constitute a fund for the relief and protection of American seamen.

*Resolved, further*, That said committee inquire into the expediency of amending the act of 1790, so that the forfeiture of a seaman's wages and effects for desertion shall accrue to the United States, and

not to the owner of the vessel, to be applied in aid of the fund aforesaid.

The resolutions of the chairman of the Committee of Ways and Means were then agreed to.

#### *Correspondence Relative to the Oregon Territory.*

Mr. WENTWORTH's resolution was taken up and agreed to, as follows:

*Resolved*, That the President of the United States be requested to communicate to this House, if in his opinion not inconsistent with the public interests, copies of all correspondence with any foreign Government relative to the occupancy, title, discovery, and boundaries of Oregon Territory.

#### *Mrs. Madison's Seat on the Floor.*

The following letter was received from Mrs. Madison, and read to the House:

WASHINGTON, Jan. 9, 1844.

Permit me to thank you, gentlemen, as the committee on the part of the House of Representatives, for the great gratification you have this day conferred upon me, by the delivery of the favor from that honorable body allowing me a seat within its hall. I shall be ever proud to recollect it, as a token of their remembrance, collectively and individually, of one who has gone before us.

D. P. MADISON.

#### IN SENATE.

THURSDAY, JANUARY 11.

#### *Blannerhasset's Heirs.*

Mr. WRIGHT observed, that there had been placed in his hand a memorial, with a request that he would present it to the Senate, from Hamar Blannerhasset, in behalf of himself and Joseph L. Blannerhasset, praying indemnity for injuries and for losses of property of their father in 1806, in consequence of his arrest on the ground of connection with Aaron Burr. In connection with this petition, was a report of the Committee on Claims of the last Congress, on the subject made on the memorial of Mrs. Blannerhasset. She died pending the claim before the Committee on Claims of this body. A report, however, was drawn up and introduced in favor of the claim. But in consequence of her death, the question was discharged. He felt it his duty to say that, as a member of that committee at that time, he was by no means prepared to adopt that report. He moved the reference of the petition to the Committee on Claims: agreed to.

#### *Defence of the Coast of Florida.*

Mr. KING remarked that the exposed situation of the Territory of Florida rendered it necessary, at an early period, to call the attention of Congress to the subject. The whole coast of Florida was without a fortification; and if any Senator would turn his eyes to the map, he would see how vastly important it was, that

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some points on that coast should be put in a state of defence, in case any difficulty should arise between this and any other country. The products of the whole region of the West have to pass out along the Gulf coast, almost into the grasp of another power. The commerce carried on with the great West will be thus exposed to plunder, unless there was some point in which the shipping could seek protection. It was desirable to ascertain, as far as could be, what communication could be made through the peninsula of Florida, so as to supersede the necessity, by this channel, of the produce of the whole West passing round the Gulf coast to get into the Atlantic, and thus subjecting it to exposure, and to a contact with the fleet of a foreign power, which, in time of war, might be stationed in the Gulf. The greater portion of the commerce of the country has to pass round the Florida coast; and it seemed to him, after expending so much elsewhere to protect the property and the commerce of the country, that they should not overlook a point which was more defenceless, and as important to be defended as any other part of our coast. It was simply with that view that he wished to call the attention of Congress and of the country to the subject, in order to have a knowledge of the best way in which the vast commerce of that region may be protected, and security given to the property there. He then submitted the following resolution, viz:

*Resolved*, That the Secretary of War be directed to communicate to the Senate the correspondence with General Worth, and other officers, relative to fortifying the keys and islands around Cape Florida, and for connecting the waters of the river Matanzas and the Mosquito Lagoon with Indian River, at the harbor in East Florida. And also to communicate such further information, including plans and surveys, as may be in the possession of the department, relative to the construction of a railroad across the peninsula of Florida, with an estimate of what would be the probable cost of connecting the waters of the rivers alluded to, and of constructing the railroad with the aid of troops stationed in Florida.

The question was put on the resolution, by general consent; and it was adopted.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 17.

*Repeal of Salt Duties.*

The following bill was introduced, on leave, by Mr. C. JOHNSON:

A BILL to repeal the duties on salt, and the bounties and allowances made in consequence thereof.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of June next, the act entitled "An act to continue in force an act entitled 'An act laying a

duty on imported salt, granting a bounty on pickled fish exported, and allowances to certain vessels employed in the fisheries," approved the ninth of February, one thousand eight hundred and sixteen; and the said act so continued in force, approved the twenty-ninth of July, one thousand eight hundred and thirteen, shall be, and the same are hereby, repealed; and that, from and after the thirtieth of June aforesaid, so much of any act or acts as lays a duty on salt be, and the same is hereby, repealed; and that, from and after the day last aforesaid, salt shall be imported into the United States free of duty; *Provided*, That for the recovery and receipt of such duties as shall have accrued, and on the day aforesaid respectively remain outstanding, and for the recovery and distribution of fines, penalties, and forfeitures, and the remission thereof, respectively, which shall have been incurred before and on the said day, the provisions of the aforesaid acts shall remain in full force and virtue.

SEC. 2. *And be it further enacted*, That so much of the aforesaid acts, or any other acts, as allows a bounty on exported salt provisions and pickled fish, in lieu of drawback of duties on the salt employed in curing the same; and so much of any act or acts as makes allowances to the owners and crews of fishing-vessels, in lieu of the drawback of the duties paid on salt used by the same, shall be, and the same is hereby, repealed; *Provided*, That the provisions of the aforesaid acts shall remain in full force and virtue for the payment of the bounties or allowances incurred or payable on the said thirtieth of June next.

The bill having been read twice,

Mr. O. JOHNSON moved that it be engrossed for a third reading.

Mr. WINTHROP moved that it be committed to the Committee of the whole House on the state of the Union.

Debate arising, the bill was laid over, among the orders on the Speaker's table.

## IN SENATE.

THURSDAY, January 18.

*Post Office Returns.*

The PRESIDENT *pro tem.* laid before the Senate a communication from the Postmaster-General, transmitting, in compliance with a resolution of the Senate of the 4th instant, a statement of the number of letters, pamphlets, and newspapers, which passed through the post offices in the United States during the month of October, 1843, the number free, and those on which postage was paid, &c. Accompanying, also, was a statement of the free letters and documents mailed from the post office in Washington city for three weeks during the session of Congress, spring, 1840, as follows:

*For the week commencing April 27, and ending May 2, 1840.*

Free letters from Congress	6,487
"    from executive departments	7,287
Total free letters	13,674
96,689 public documents, weighing 8,049 lbs.	

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*Slave Representation.*

[29TH CONG.]

*For the week commencing May 27, and ending June 2, 1840.*

Free letters from Congress	-	-	6,500
“ from executive departments	-	-	7,455

Total free letters	-	-	18,955
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108,912 public documents, weighing 9,076 lbs.

*For the week commencing July 1, and ending July 7, 1840.*

Free letters from Congress	-	-	7,426
“ from executive departments	-	-	7,340

Total free letters	-	-	14,766
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186,768 public documents, weighing 15,561 lbs.  
 Total public documents in 3 weeks, 392,268; weighing 32,689 lbs.  
 Total public documents in 33 weeks, 4,314,948; weighing 359,579 lbs.  
 Total free letters in 3 weeks, 42,395.  
 Total free letters in 33 weeks, 466,345.  
 Whole number of documents in session of 33 weeks - 4,314,948—weight, 359,579 lbs.  
 Whole number of free letters in session of 33 weeks - 466,345.

Total documents and free letters sent during session of 33 weeks	-	-	4,781,293
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On motion by Mr. KING, the above report was referred to the Committee on the Post Office and Post Roads.

Subsequently, on motion by Mr. JARNAGIN, who was instructed to make the motion by the Post Office Committee, the above report was ordered to be printed.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 22.

*Bridge at Wheeling.*

Mr. WILKINS presented the resolutions of the Legislature of Pennsylvania, instructing their Senators and requesting their Representatives in Congress to vote against any appropriation for the construction of a bridge across the Ohio River at Wheeling, or the raising of any superstructure calculated to impede the navigation of that great thoroughfare; which was referred to the Committee on Roads and Canals.

Mr. STERNBOD presented a letter from Mr. Elliott, a scientific engineer and practical mechanic, showing that such a work would not impede the navigation of the Ohio; and moved that it be referred to the same committee, and printed.

The SPEAKER said that it could only be received by general consent.

Mr. DICKEY objected, and it was not received.

## IN SENATE.

TUESDAY, January 23.

*Resignation of Mr. Sprague.*

The PRESIDENT *pro tem.* laid before the Sen-

ate the following communication; which was read:

*To the Hon. Willie P. Mangum, President pro tem. of the Senate of the United States:*

SIR: In consequence of a most painful occurrence, I have resigned my seat in the Senate of the United States, and I herewith respectfully transmit to you a copy of my letter of resignation to the General Assembly of the State of Rhode Island, which is now in session.

In thus taking leave of the Senate, I cannot withhold the expression of my grateful acknowledgments for the uniform kindness and courtesy which I have received on every occasion, and my best and warmest wishes for your health and happiness, and that of every member of the honorable body over which you preside.

I have the honor to be,

With the highest respect,

Your obedient servant,

WM. SPRAGUE.

Providence, R. I., Jan. 17, 1844.

*Slave Representation.*

Mr. BATES presented a resolution, adopted by the Legislature of Massachusetts, instructing the Senators and requesting the Representatives from that State to vote for such an amendment to the constitution as will allow only free persons to be represented; or, in other words, to abrogate slave representation. The resolution proposing the amendment was read as follows:

*Resolved*, That the following amendment to the Constitution of the United States is hereby recommended to the consideration of Congress, to be acted on according to the fifth article. The third clause of the second section of the first article shall read in the words following: Representatives and direct taxes shall be apportioned among the several States which are or may be included within this Union, according to their respective numbers of free persons, excluding Indians not taxed. The actual enumeration shall be made within two years from the date of the adoption of this amendment, in the manner provided by the constitution, and within every subsequent term of ten years in such manner as the Congress shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative.

Mr. KING said he could but regret that it had become the duty of the honorable Senator from Massachusetts to present to the Senate of the United States a proposition of the Legislature of his State to dissolve the Union. Was there a man within the hearing of his voice that believed, for one moment, that such an amendment could be made; and if it could be, by any possibility, that the federal Government would last for twenty-four hours after it was made. It is a resolution (said Mr. K.) framed almost identically like that which had been concocted by inhabitants of Massachusetts in another period in the history of this Government. It is such as was, during the late war, passed by the Hartford convention; when a set

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*Amendment of the Constitution—Slave Representation.*

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of—he would not now characterize them—who, finding the United States engaged in a war to which they were opposed, threw every obstacle in the way of its successful prosecution. They met together to embarrass the Government, and passed resolutions, one of which was precisely similar to this resolution. That the General Assembly of Massachusetts should take up one of these resolutions, after so many attempts to explain them away, and get clear of the odium connected with them, and to adopt its very words, showed a feeling of hostility to an institution, which, if persisted in, was calculated to sap the very foundations of the Government itself. He regretted—he could not but regret, as an American citizen—that the citizens of the South could not be permitted to repose in the security which they supposed themselves to have, under the constitution of the country. He repeated, that every effort of this kind was calculated to snap asunder the bonds of this Union. There are too many cases of this kind, having a tendency to weaken the Union, by creating unkind feelings between two sections. Every such effort cannot fail to alienate still more those who now believe themselves to be oppressively and unjustly treated. He said that he trusted in God that all such unholy efforts against the union of the country might be defeated. The Government was intended to protect and guard the interests of all sections; and, in framing the constitution of the land, those patriotic fathers who modelled that instrument looked to the interests of the whole; and this incendiary movement, whether it came from the legislature of a State, or from individual fanatics, deserved not only the condemnation, but the execration, of every man devoted to the permanent existence of this Government. He would not refrain from expressing his abhorrence of such a proposition, come from whatever quarter it might. Was Massachusetts desirous to dissolve the Government? It so appeared; for she seemed to feel that there was contamination by the union which existed between the two sections of the country. Mr. K. said he would not give way to the feelings excited in his breast by the effort thus made to destroy the government of the country.

Mr. BATES said he had no desire to begin a discussion on this subject, and therefore suggested to the Senate that they be laid on the table. As the resolutions had been referred in the other House to a special committee, he wished no further order upon them, than to have them laid upon the table. Being resolutions of the legislature of his State, he felt that it was incumbent on him to present them in a proper manner. So far from having a wish to excite discussion, his purpose was to avoid it. He therefore moved to lay the resolution on the table; which motion prevailed by a vote of the Senate. As it was the ordinary courtesy due to a State, he had no doubt that the Senate would agree to their being printed.

The CHAIR remarked, that no objection having been made to the motion to lay the resolutions on the table, as was usual, they were considered as received; but as objection was raised, the first question would be on the reception of the resolutions.

Mr. SEVIER said he objected to the reception of the resolutions; and as the small States in that body were on an equal footing with the large, no injustice could be done. On resolutions of a similar character, (he believed from Vermont,) two years since, the same question was made.

The CHAIR again stated the question; which, he said, would be on the reception of the resolutions.

Mr. CRITTENDEN expressed a hope that there would be no objection to their reception. He hoped his friend from Alabama would withdraw his objection.

Mr. KING said he had made none to their reception.

Mr. CRITTENDEN was of that opinion. He expressed a hope that the Senator from Arkansas would withdraw his objection.

Mr. SEVIER was of the impression that a similar motion was once made in the case of resolutions from the Legislature of Vermont.

Mr. MERRICK said the Senator from Arkansas was mistaken. The idea was suggested; but, as the resolutions came from a State, the question of reception was not raised.

Mr. SEVIER withdrew his objection.

The resolutions were received, and ordered to lie on the table; and the question on printing was still pending.

Mr. BAGBY demanded the yeas and nays; which were ordered; and the question on printing being put, resulted as follows:

YEAS.—Messrs. Archer, Barrow, Bates, Bayard, Choate, Clayton, Crittenden, Evans, Miller, Morehead, Porter of Michigan, Upham, White, and Woodbridge.—14.

NAYS.—Messrs. Allen, Atchison, Atherton, Bagby, Benton, Berrien, Breese, Buchanan, Colquitt, Fairfield, Fulton, Haywood, Henderson, Huger, Jarnagin, King, McDuffie, Mangum, Merrick, Rives, Semple, Sevier, Sturgeon, Tappan, Woodbury, and Wright.—26.

So the Senate refused to have the resolutions printed.

#### *Naval Schools.*

Mr. BAYARD, on leave, introduced a bill providing for the establishment of schools of instruction in the naval service of the United States; which was read twice, and referred to the Committee on Naval Affairs.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, JANUARY 28.

#### *Amendment of the Constitution—Slave Representation.*

Mr. ADAMS asked permission to present a series of resolutions of the Legislature of Mas-

sachusetts, on the same subject as some others, which were presented some short time ago, in favor of an amendment of the constitution, so as to exclude slave representation. He wished to present them at this time, that they might go to the same committee as the other resolutions were sent to.

The reading was called for.

The Clerk commenced the reading accordingly; but

Mr. CAMPBELL interposed, and said it was unnecessary to read further, as he should object to their reception.

Mr. ADAMS asked for a suspension of the rules, to enable him to present them. He said the reason why he asked leave to present them now was, that such opportunity was not afforded him yesterday—Massachusetts not having been then called; nor could he conceive what *honorable* motive could induce the gentleman from South Carolina now to object.

Mr. CAMPBELL said he would like to know what *honorable* motive the gentleman from Massachusetts could have in now presenting them. The gentleman from Massachusetts might wait his time.

Mr. ADAMS again called for a suspension of the rules, and the yeas and nays thereon.

The yeas and nays were ordered.

The reading of the resolutions was called for; and they were read at length.

Mr. SAUNDERS was understood to inquire whether the resolutions were signed by the Governor of the State of Massachusetts.

Mr. ADAMS replied that they were; and he added that they were introduced by the leader of the democratic party in that State.

Mr. SAUNDERS assured the gentleman from Massachusetts that that information gave him no pain.

Mr. C. J. INGERSOLL said that he had a question to ask the gentleman from Massachusetts, which he deemed of some importance. He had understood that the resolution some time since presented was written by the honorable gentleman from Massachusetts himself; and he (Mr. C. J. I.) wished to know whether that gentleman would condescend to answer the question whether that was true or not.

Mr. ADAMS—(suddenly turning from Mr. I., and addressing the Chair:) Mr. Speaker, I call for the yeas and nays. [Great laughter, and cries of "He evades the question."]

The yeas and nays were then taken, and resulted thus—yeas 50, nays 105.

So the rules were not suspended.

#### IN SENATE.

MONDAY, January 29.

Mr. SIMMONS, of Rhode Island, appeared in his seat to-day, for the first time this session.

#### River Improvements.

The Senate resumed the consideration of the

bill to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin Rivers, and to connect the same by a canal, in the Territory of Wisconsin.

The CHAIR said that the question pending was on the engrossment of the bill.

Mr. TALLMADGE moved to reconsider the vote by which the latter clause of the first section, and the whole of the third section of the bill, was stricken out. He had assented to those amendments the other day, and voted for them under the expectation that the bill, as thus amended, would be satisfactory to all the gentlemen who were opposed to the bill; but he found that there was still some objection to it; and that there were others who were better satisfied with the bill as it stood. He believed that it would be better to restore the bill to its original shape. Therefore, he moved to reconsider the vote striking out the last clause of the first section, providing that the canal and improvements shall be a public highway for the transportation of the troops, &c., of the United States; and providing also, that no greater toll shall be collected than is necessary to keep the canal and improvements in repair. Also, the vote striking out the section, providing that the proceeds of the land shall be applied to the improvement, under the direction of the War Department, or the topographical engineers belonging to that department. After due consideration he believed that this section should remain; and that it was better, in the present condition in which that country was, that the works should be constructed under the charge of the Federal Government. It would take some little time before the proceeds would be received into the treasury to enable the General Government to go on with it. If the bill was passed in this form, it would have the effect to give security to those who purchase the land, that the work will in due time be made. They will consequently go on and improve their lands. In the mean time, when this Territory comes into the Union as a State, Congress can, if it deem proper, confer the power on the State of Wisconsin to finish the works.

Mr. TAPPAN said the Senate had decided, in making these amendments, that the Federal Government should not undertake the improvements, but that Wisconsin should, when she shall be admitted as a State into the Union. The Senator from New York had assented to these amendments, and the Senate was satisfied with them; but if the Senate (as well as the Senator from New York) had altered their minds on this subject, and thought it better for the officers of the General Government to undertake and build this canal, then the question should be reconsidered; but if they were satisfied, and he (Mr. T.) was, that the canal could be better and more economically done by the State of Wisconsin, then they ought to vote against the motion to reconsider.



[1st Sess.]

Death of Judge Porter.

[FEBRUARY, 1844.]

TUESDAY, January 30.

*Public Printing.*

The joint resolutions from the House of Representatives reducing the price paid for the printing of the Senate to the price paid by the other House of Congress, was taken up, read twice, and referred to the Committee on Printing.

*Fugitive Slaves and the Ashburton Treaty.*

Mr. BENTON submitted the following resolution; which lies one day on the table, under the rules:

*Resolved*, That the President be requested to communicate to the Senate the information, if any, which may be in the Department of State, in relation to the slaves committing crimes and escaping from the United States to the British dominions, since the ratification of the treaty of 1842, and the refusal of the British authorities to give them up. Also, that he communicate to the Senate the information, if any such is possessed by him, of the construction which the British government puts upon the said article in relation to slaves committing crimes in the United States and taking refuge in the British dominions.

*Fugitive Criminals and the Ashburton Treaty.*

Mr. BENTON submitted the following resolution; which lies on the table one day, under the rule:

*Resolved*, (as the opinion of the Senate,) That the President of the United States ought to give notice to the government of Great Britain for the immediate termination of the 10th article of the treaty of 1842, being the article for the surrender of fugitive criminals.

*Resolved*, That a copy of this resolution be delivered to the President.

## HOUSE OF REPRESENTATIVES.

TUESDAY, January 30.

*West Point Academy.*

Mr. HALZ submitted the following; which lies over one day:

*Resolved*, That the Committee on Military Affairs be instructed to report to this House a bill abolishing the West Point Military Academy.

## IN SENATE.

FRIDAY, February 2.

*The Death of Judge Porter.*

Mr. BARBOW rose and announced to the Senate the death of Judge PORTER.

He said: Mr. President, it is with unfeigned sorrow that I announce to the Senate an event of the most painful character. My colleague and friend, the Hon. ALEXANDER PORTER, departed this life on the 18th ultimo, at his residence in Louisiana, aged fifty-eight years.

By the death of Senator PORTER, Louisiana loses one of her most talented and honored citi-

zens, and the nation is deprived of the valuable services, in this body, of a pure patriot and an enlightened statesman; and under such a national calamity, it would be unmeet for me to speak of the personal bereavement I have sustained by the death of my friend. It is the usage, on occasions like this, to present a brief sketch of the life and character of the deceased; and I should most deeply regret my limited knowledge of Judge PORTER's parentage and early life, if I did not know that history takes care of men of his order of genius and distinguished public character; and that she looks to other sources for information concerning the lives of her great men, than to the ephemeral eulogies of partial friends.

Judge PORTER was born in the land of Curran, and his father was a cotemporary and friend of that brilliant orator and incorruptible patriot. The father of Judge PORTER was a man of piety and classical education, and was by profession a minister of the Gospel; but the fire of patriotism and the love of liberty glowed so warmly in his bosom, that he threw aside his sacerdotal robe, and put on the burnished armor of a soldier, resolved to conquer or die in defence of his country's freedom. History informs us what was the result of the patriotic but indiscreet attempt made, in 1798, by some of the purest and most gifted sons of Ireland, to emancipate her from the thralldom of England. And from the pages of the same history we learn that the father of Judge PORTER fell a martyr in the cause of freedom, and was executed as a rebel. Judge PORTER thus became, in early life, fatherless and without a home; and he was forced to abandon his own, his native land, and seek refuge in a land of strangers. To this country, the asylum of the oppressed of all nations, Judge PORTER, in company with his widowed mother and a younger brother, emigrated, and settled in Nashville, Tennessee, amongst whose ever-generous citizens he found many ready to comfort the widow and protect the fatherless. In Nashville, he entered a mercantile house, in the capacity of clerk; and, while he was engaged in that vocation, he did not neglect the cultivation of those high faculties with which nature had so bountifully endowed him.

In a few years, while thus laboring for his own and widowed mother's support, he not only extended the sphere of his general knowledge, but he laid the broad and deep foundation of that legal learning which was the pride and ornament of his mature age, and which will transmit his name to the latest posterity as one of the brightest judicial lights of this age. At this period of his life we find Judge PORTER once more seeking a new home; and, about the year 1809, he moved from Nashville to the Territory of New Orleans, and settled in the county of Attakapas, where he lived and died, loved and admired for his many private virtues, and honored for his talents and public services.

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Death of Judge Porter.

[28th CONG.]

The first high station of trust in which we find him placed by the confidence of the people among whom he had settled, is in the convention which assembled in 1812 to form a constitution for the people of the Territory of New Orleans. In that body, which numbered the ablest men in the Territory, Judge PORTER soon acquired a reputation for integrity, learning, and statesmanship, which placed him, at once, most conspicuously before the people; and he was, not long after that period, elevated to the supreme court bench of the State of Louisiana; which station he occupied for about fifteen years. It was in that office that Judge PORTER rendered services to the people of Louisiana above all appreciation, and acquired for himself a reputation as imperishable as the civil law itself; and as that system of jurisprudence has survived the wreck of empires it is likely to continue as long as civilization finds a resting place on the earth. I am confident that the distinguished jurists of the nation, to whom Judge PORTER's judicial character must be well known, will not consider it the exaggerated language of eulogy, when I say that the opinions which he delivered as judge of the supreme court of Louisiana display a depth of learning, a power of analysis, a force of reasoning, and a comprehensiveness and accuracy of judgment, which justly entitle him to a niche in the temple of fame in juxtaposition with even the great, the pure, the immortal Marshall.

The health of Judge PORTER, at last, sunk under the severe and incessant labors of his office, and he was compelled to retire from that bench, from which he had, for so many years, dispensed justice with the inflexible integrity of a Hale, the intrepidity of a Holt, and the legal acumen of a Mansfield.

He was not, however, long permitted to enjoy the ease and happiness of private life; but was called upon, in 1838, by the people of his State, to serve them in the councils of the nation: and here in this chamber, he acquired new laurels, and added new lustre to his already bright fame, his brilliant wit, his infinite humor, his general courtesy and gentlemanly bearing: and I know that with me you sincerely lament that he has been stricken down by the cold hand of death, at the moment he was, for a second time, summoned by the State of Louisiana to take his seat on this floor, as one of the representatives of her sovereignty. While I consider that the nation has sustained a grievous loss by the death of Judge PORTER, I know that the loss to Louisiana is irreparable. This vacant seat here cannot be filled with his equal, no matter who may become his honored successor.

My feelings, Mr. President, admonish me to forbear further observations on this sad occasion; and I therefore commit to history the character and reputation of my late colleague; and, as a slight testimonial of the high respect felt by this body for his memory, I submit for

the adoption of the Senate the following resolutions:

*Resolved*, That the Senate has received with deep sensibility the information of the death of the Hon. ALEXANDER PORTER, a Senator from the State of Louisiana; and in token of their high respect for the memory of the deceased, the members of the Senate will wear crape on the left arm, as mourning, for thirty days.

*Resolved*, That, as a further mark of respect for the memory of the Hon. ALEXANDER PORTER, the Senate do now adjourn.

The resolutions having been read, Mr. BENTON rose and said:

I rise, Mr. President, to second the motion which has been made to render the last honors of this chamber to our deceased brother Senator, whose death has been so feelingly announced; and in doing so, I comply with an obligation of friendship, as well as conform to the usage of the Senate. I am the oldest personal friend which the illustrious deceased could have upon this floor, and amongst the oldest which he can have in the United States. It is now, sir, more than the period of a generation—more than the third of a century—since the then emigrant Irish boy, ALEXANDER PORTER, and myself met on the banks of the Cumberland River, at Nashville, in the State of Tennessee, when commenced a friendship which death only dissolved on his part. We belonged to a circle of young lawyers, and students at law, who had the world before them, and nothing but their exertions to depend upon. First a clerk in his uncle's store, then a student at law, and always a lover of books, the young PORTER was one of that circle, and it was the custom of all that belonged to it to spend their leisure hours in the delightful occupation of reading. History, poetry, elocution, biography, the ennobling speeches of the living and the dead, were our social recreation; and the youngest member of the circle was one of our favorite readers. He read well, because he comprehended clearly, felt strongly, remarked beautifully upon striking passages, and gave a new charm to the whole with his rich, mellifluous Irish accent. It was then that I became acquainted with Ireland and her children, read the ample story of her wrongs, learnt the long list of her martyred patriots' names, sympathized in their fate, and imbibed the feelings for a noble and oppressed people which the extinction of my own life can alone extinguish.

Time and events dispersed that circle. The young PORTER, his law license signed, went to the lower Mississippi; I to the upper. And, years afterwards, we met on this floor, Senators from different parts of that vast Louisiana which was not even a part of the American Union at the time that he and I were born. We met here in the session 1833-'34—high party times, and on opposite sides of the great party line; but we met as we parted years be-

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Death of Judge Porter.

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fore. We met as friends; and, though often our part to reply to each other in the ardent debate, yet never did we do it with other feelings than those with which we were wont to discuss our subjects of recreation on the banks of the Cumberland.

I mention these circumstances, Mr. President, because, while they are honorable to the deceased, they are also justificatory to myself for appearing as the second to the motion which has been made. A personal friendship of almost forty years gives me a right to appear as a friend to the deceased on this occasion, and to perform the office which the rules and the usages of the Senate permit, and which so many other Senators would so cordially and so faithfully perform.

In performing this office I have literally but little else to do but to second the motion of the Senator from Louisiana, (Mr. BARROW.) The mover has done ample justice to his great subject. He also had the advantage of long acquaintance and intimate personal friendship with the deceased. He also knew him on the banks of the Cumberland, though too young to belong to the circle of young lawyers and law students, of which the junior member—the young ALEXANDER PORTER—was the chief ornament and delight. But he knew him—long and intimately—and has given evidence of that knowledge in the just, the feeling, the cordial, and impressive eulogium which he has just delivered on the life and character of his deceased friend and colleague. He has presented to you the matured man, as developed in his ripe and meridian age: he has presented to you the finished scholar—the eminent lawyer—the profound judge—the distinguished Senator—the firm patriot—the constant friend—the honorable man—the brilliant converser—the social, cheerful, witty companion. He has presented to you the ripe fruit of which I saw the early blossom, and of which I felt the assurance more than thirty years ago, that it would ripen into the golden fruit which we have all beheld.

Mr. President, this is no vain or empty ceremonial in which the Senate is now engaged. Honors to the illustrious dead go beyond the discharge of a debt of justice to them, and the rendition of consolation to their friends—they become lessons and examples for the living. The story of their humble beginning, and noble conclusion, is an example to be followed, and an incitement to be felt. And where shall we find an example more worthy of imitation, or more full of encouragement, than in the life and character of ALEXANDER PORTER?—a lad of tender age—an orphan with a widowed mother and younger children—the father martyred in the cause of freedom—an exile before he was ten years old—an ocean to be crossed, and a strange land to be seen, and a wilderness of a thousand miles to be penetrated before he could find a resting place for the sole of his foot: then education to be acquired, support to be earned, and even citizenship to be gained,

before he could make his own talents available to his support: conquering all these difficulties by his own exertions, and the aid of an affectionate uncle—(I will name him, for the benefactor of youth deserves to be named, and named with honor in the highest places)—with no other aid but that of an uncle's kindness, Mr. Alexander Porter, sen., merchant of Nashville, also an emigrant from Ireland, and full of the generous qualities which belong to the children of that soil: this lad, an exile and orphan from the Old World, thus starting in the New World, with every thing to gain before it could be enjoyed, soon attained every earthly object, either brilliant or substantial, for which we live and struggle in this life. Honors, fortune, friends; the highest professional and political distinction; long a supreme judge in his adopted State; twice a Senator in the Congress of the United States—wearing all his honors fresh and growing to the last moment of his life—and the announcement of his death followed by the adjournment of the two Houses of the American Congress! What a noble and crowning conclusion to a beginning so humble, and so apparently hopeless! Honors to such a life—the honors which we now pay to the memory of Senator PORTER—are not mere offerings to the dead, or mere consolations to the feelings of surviving friends and relations: they go further, and become incentives and inducements to the ingenious youth of the present and succeeding generations, encouraging their hopes, and firing their spirits with a generous emulation.

Nor do the benefits of these honors stop with individuals, nor even with masses, or generations of men. They are not confined to persons, but rise to INSTITUTIONS—to the noble republican institutions under which such things can be! Republican government itself—that government which holds man together in the proud state of equality and liberty—this government is benefited by the exhibition of the examples such as we now celebrate, and by the rendition of the honors such as we now pay. Our deceased brother Senator has honored and benefited our free republican institutions by the manner in which he has advanced himself under them; and we make manifest that benefit by the honors which we pay him. He has given a practical illustration of the working of our free, and equal, and elective form of government; and our honors proclaim the nature of that working. What is done in this chamber is not done in a corner, but on a lofty eminence, seen of all people. Europe, as well as America, will see how our form of government has worked in the person of an orphan, exiled boy, seeking refuge in the land which gives to virtue and talent all that they will ever ask—the free use of their own exertions for their own advancement.

Our deceased brother was not an American citizen by the accident of birth: he became so by the choice of his own will, and by the opera-

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Death of Judge Porter.

[28TH CONG.]

tion of our laws. The events of his life, and the business of this day, show this title to citizenship to be as valid in our America as it was in the great republic of antiquity. I borrow the thought, not the language of Cicero, in his pleading for the poet Archias, when I place the citizen who becomes so by law and choice, on an equal footing with the citizen who becomes so by chance. And, in the instance now before us, we may say that our adopted citizen has repaid us for the liberality of our laws; that he has added to the stock of our national character by the contributions which he has brought to it in the purity of his private life—the eminence of his public services—the ardor of his patriotism, and the elegant productions of his mind.

And here let me say—and I say it with pride and satisfaction—our deceased brother Senator loved and admired his adopted country, with a love and admiration increasing with his age, and with his better knowledge of the countries of the Old World. A few years ago, and after he had obtained great honor and fortune in this country, he returned on a visit to his native land, and to the continent of Europe. It was an occasion of honest exultation for the orphan emigrant boy to return to the land of his fathers, rich in the goods of this life, and clothed with the honors of the American Senate. But the visit was a melancholy one to him. His soul sickened at the state of his fellow man in the Old World, (I had it from his own lips;) and he returned from that visit with stronger feelings than ever in favor of his adopted country. New honor awaited him here—that of a second election to the American Senate. But of this he was not permitted to taste; and the proceedings of this day announce his second brief elevation to this body, and his departure from it through the gloomy portals of death, and the radiant temple of enduring fame.

The question was put, and the resolutions were unanimously agreed to; and

The Senate (according to previous agreement) adjourned till Monday next.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 2.

The journal of yesterday was read and approved.

Mr. THOMPSON announced the arrival of his colleague, Mr. TILGHMAN H. TUCKER; who after being sworn, took his seat.

#### *The Death of Senator Porter.*

The Speaker directed the Clerk to read the communication from the Senate in relation to the death of Senator PORTER; and it was read accordingly.

Mr. SLIDELL then rose, and spoke as follows:

Mr. Speaker: The Message which we have just received, communicating the intelligence of the

death of a Senator of Louisiana, devolves upon me, as one of the representatives of that State, in conformity with an established and salutary usage, the duty of making some brief observations on the character and history of the deceased. It would, perhaps, be sufficient to say that ALEXANDER PORTER had twice been chosen to discharge the august functions of representing the sovereignty of one of the States of this great confederacy. Constituted as the Senate of the United States has heretofore always been, (and as I trust it ever will be,) of the men most distinguished throughout the Union for intelligence, virtue, and patriotism, this fact alone affords his most emphatic eulogium. But in that body, among the very élite of the nation—the intellectual giants of the land—ALEXANDER PORTER occupied a conspicuous place. He offered a striking illustration of the happy working of our free institutions, for he had attained this proud eminence unaided by any adventitious advantages of fortune, connection, or education. He was the son of an Irish clergyman, who died upon the scaffold, a martyr in the cause of liberty, in that memorable struggle which, ending unsuccessfully, has been stigmatized as a rebellion; but which, had it resulted differently, would have been recognized as a glorious revolution—for all revolutions are but fortunate rebellions. The orphan child was brought to the United States by an uncle, at a very tender age. He received in Tennessee such an education as could then be obtained at a common country school; and while attending during the day to the business of a village shop, he acquired at night, in the hours devoted by others to amusement or to sleep, such simple rudiments of law as he could glean from a few elementary books loaned to him by those who felt an interest in the young student. With this scanty outfit of learning, he, soon after arriving at manhood, about the year 1809, emigrated to Louisiana, and established himself in the practice of law, in the western part of the State. The best evidence of the rapidity with which he established himself in popular favor and consideration in a land of strangers, was his election in 1811, as a member of the convention for framing the constitution of the State. He soon attained distinction in his profession; and after some years of arduous and well-recompensed devotion to its practice, he accepted a seat on the bench of the supreme court of Louisiana, the reported decisions of which, during his fifteen years' service, attest the industry and ability which he brought to the discharge of his judicial duties—duties requiring, from the peculiar character of our jurisprudence, a greater range of legal studies than in any of our sister States. He was intimately acquainted with the Roman, French, and Spanish law, and recurred with familiarity to the original sources of information in those languages. He resigned his judgeship about the year 1830, and was soon after elected to the Senate of the United States.

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*United States Schooner Grampus.*

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His career while there is familiar to all who hear me. His health became so feeble as to induce him for several years to withdraw from public life; but he was again elected to the national Senate at the last session of the Legislature of Louisiana. The disease which had long been preying upon his body, without impairing the energy of his mind, assuming greater intensity, he was unable to take his seat; and he died on the 18th ultimo, at his plantation, after a protracted and painful illness. ALEXANDER PORTER was a learned lawyer, an eloquent advocate, and an upright judge. His extensive and varied reading, his great colloquial powers, ready wit, and social disposition, fitted him to appear to advantage in the most brilliant and refined society. His temperament was ardent, and he was zealous in his political creed; but he did not permit political differences to affect his relations in private life. Widely differing from him on all great party questions, I have been for many years honored by his intimacy; and knowing him as I did, I can with confidence assert, that the manifestations of respect which I am now about to propose, could not be bestowed more fitly.

Mr. VANOR seconded the resolutions, in some pertinent remarks.

The resolutions, in the usual terms, were then agreed to; and

The House adjourned.

SATURDAY, February 8.

*United States Schooner Grampus.*

The CHAIR announced that the first business before the committee was the bill for the relief of the widows and orphans of the officers, seamen, and marines of the United States schooner *Grampus*, and that the amendment pending when the bill was last up, was that offered by Mr. BELLE to strike out that part of the bill which provides a gratuity of six months' pay to the relatives over and above the pay actually due at the time of the loss of the vessel.

Mr. BELLE, after a few preliminary remarks, said that he was one of those who believed that they had no right whatever to appropriate the public money in this way. He differed with the gentleman from Ohio, (Mr. SCHENCK,) who took the ground that when a man entered into the naval service of his country, a contract was formed with the government that his widow and orphans should be provided for.

He contended, on the contrary, that there was no such contract, and that when a man entered into the naval service, he did so with reference to the dangers of the service; and that he had no right to expect any other reward than the pay he contracted for. He wished to know why the relatives of those who were lost in the *Grampus* had more claim to the bounty of Congress than the widows and orphans of those who fell in battle in

Florida, or caught the seeds of disease there of which they afterwards died. He referred to the gallant Tennessee and Alabama volunteers, so many of whom were lost in that service, and particularly cited the case of two companies of Alabama volunteers, who were massacred almost to a man. Were the relatives of these men entitled to no more sympathy and favor than those of the officers and soldiers of the *Grampus*, because they fell on the land, instead of being lost at sea? If the bill was to be passed on the principles of justice, did not justice as well apply to those who died in the service of their country on land as at sea? Such a bill as this never could be passed in any of the State legislatures where, the money to provide for it being collected by direct levies, the people would see and know for what purpose they were taxed. It was in consequence only of indirect taxation that such appropriations could be made. He was not unfriendly to the navy, and he would tell gentlemen that if they wished it to be kept up, they must not ask for appropriations like this. He was as charitably disposed as any one on that floor, and as ready to contribute to the relief of the sufferers out of his private pocket; but there was a stern principle of justice that governed him, and under which he could not consent to distribute the people's money for unauthorized purposes. One of his greatest objections to this bill was that the money appropriated by it must be raised by taxation, and if it was passed, it would be taking the bread out of the mouths of all the indigent widows and orphans in the country, to give it to widows and orphans of a more favored class. This he looked upon as a species of legalized agrarianism, and agrarianism of the worst kind. To illustrate the great injustice of bestowing bounties on one class, while others were oppressed by the severest taxation, Mr. B. cited the case of a poor widow, who was lately frozen to death, almost in sight of the Capitol, for the want of a blanket to protect her from the inclemency of the weather; and which, in consequence of the high price which the system of protection put on the article, she was unable to procure. The gentleman from Florida (Mr. LEVY) the other day attempted to get in an appropriation for the widows and orphans of the officers and seamen of the *Sea Gull*, whose claims, he said, were as strong as those provided for in the bill before the House. Suppose the gentleman succeeded, and suppose other gentlemen succeeded in getting appropriations for the widows and orphans of those who fell in Florida, and of those killed in the Dade massacre: where was it to end? There would be no end but in the discretion of Congress, and an amount of expense would be incurred that would exhaust the treasury. He wished to avoid all unnecessary and unauthorized expenditure of the people's money; to levy no more taxes than would be sufficient for an

economical administration of the government, and for the government to be just before it was generous; and these were the reasons which induced him to offer his amendment.

Mr. ATKINSON observed that he had listened very attentively to the objections which gentlemen had been pleased to urge against the bill under consideration. He had attended most closely to the remarks of the gentleman from Alabama, (Mr. BELSER,) because he stood on this floor professing to be governed by as strict principles of economy as that gentleman or any other on the floor. He was the representative of a people economical in their private affairs; and who always evinced their admiration for those public servants who had gone for an economical administration both of the Federal and State governments. But this people, though economical, were just and generous; and he acted in accordance to their views when he gave his support to this bill.

With a view to inform himself on the subject, and feeling a deep interest in the widows and orphans of the officers and seamen of the ill-fated Grampus, he had examined the proceedings of Congress, from the time when Mr. Jefferson came into office up to the present time, for the purpose of ascertaining if this was the only case of the kind; and he found that, in cases not one-half as strong as this, Congress had made appropriations for the widows and orphans of those lost in their country's naval service. Mr. A. did not regard this case as one of bounty, or of charity, as other gentlemen did; but he looked upon it as one of strict justice, founded on contract—as a debt justly due to the heirs of those who have gone down into the briny deep. To prove this, he would call the attention of the House to the various acts of Congress that had been passed for the benefit of those who had served their country in the navy. Here Mr. A. read from the public documents a list of the acts giving rewards to naval officers, and providing for the widows and orphans of such as have fallen in the service, for the purpose of showing that those who enter the navy do so under the implied contract that their services will be properly considered by the government, and that their widows and orphans will be provided for, should they be lost in the service.

Mr. HALE replied, and asked the House to look at the condition and circumstances of the mountaineers of New Hampshire, and the citizens of the United States in other parts of the Union, who paid for the splendor of the cabins of the ships of war. He opposed the system pursued, and denounced it as a wasteful expenditure of the means of a people, many of whom were living in humble stations, in submission to many privations.

Mr. MORRIS spoke in opposition to the amendment. He would make retrenchment where retrenchment was necessary, in order to bring the expenditures to a proper economical stand-

ard; but he desired first of all, that gentlemen who were so eager for reform in the navy would bring forward some specific charge of abuse. Gentlemen must recollect that that important arm of the service of the country was not quite so easy in its discipline, so luxurious in its comforts and enjoyments, and so munificent in its rewards, as had been represented by some. No, the discipline was an iron discipline; the duties were most arduous; and the officers and sailors of that service were deserving of rewards not only in their own persons, but in the persons of their surviving relatives. There was no navy in the world, the officers and seamen of which practised so much self-denial as the American navy; nor was there any navy better calculated to render immediate and efficient service. He hoped the bill would pass.

Mr. HOPKINS appealed to gentlemen to defer the discussion as to the general merits and demerits of the navy, until the question should come up upon a bill of a more general nature.

Mr. HOLMES urged the passage of the bill and the rejection of the amendment.

The debate was further continued by Messrs. PARMENTER, BARNARD, J. R. INGERSOLL, McDOWELL, and SMITH of Illinois, when the question was taken on the pending amendment; which, being rejected, the bill was laid aside.

MONDAY, February 5.

#### *Abolition of Slavery in the Southern States.*

Mr. BEARDSLEY presented a petition from sundry citizens of New York, praying for an amendment of the constitution so as to effect the abolition of slavery in the Southern States.

The SPEAKER decided that this petition came within the rule prohibiting the reception of abolition petitions; and it was therefore not received.

21st Rule.

Mr. BEARDSLEY presented a petition from sundry citizens of New York, praying for the repeal of the 21st rule; which was laid on the table.

Petitions were also presented from the State of New York, by Messrs. SEYMOUR, DANA, and FISH.

Mr. HUNT presented a petition praying that the ordinance of 1787, which prohibits the existence of slavery in the North-western Territory of the United States, may be extended over all the Territories of the United States lying west of the Mississippi River.

The SPEAKER was of opinion that this petition did not come within the rule.

Mr. CAMPBELL inquired if it did not pray for the abolition of slavery in all our Territories west of the Mississippi River, and consequently in our Territory of Texas. He raised

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*Slave Representation.*

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the question of reception; but, after some conversation, withdrew it; that the vote might be taken on a motion made by

Mr. PAYNE to lay the petition on the table.

Mr. HUDSON called for the yeas and nays.

Mr. PAYNE withdrew his motion after some conversation, in which several members took part.

Mr. BRODHEAD renewed it, and the yeas and nays were ordered, and being taken, resulted yeas 118, nays 56.

So the petition was laid on the table.

#### *Disunion.*

Mr. ADAMS presented the resolutions of the legislature of Massachusetts, asking for an amendment of the constitution, so as to exclude that portion of the representation of the Southern States which is based on their slave population. [These resolutions were presented on last petition day by Mr. ADAMS, and the question of reception being raised on them, and giving rise to debate, they were laid over.]

Mr. BURT, of South Carolina, objected to the reception of the resolutions, and gave notice of his intention to debate the question.

The SPEAKER said that, debate arising, the rules required the question to go over.

Mr. ADAMS hoped that gentlemen would debate the question now, and let it be decided. The subject embraced in these resolutions had been already referred to a Select Committee, of which he was a member, on similar resolutions, passed at the preceding session of the Massachusetts legislature; and it was desirable that the committee should present their report, which they could not do until these resolutions were referred.

The SPEAKER said that it was not in order to debate the question.

Mr. CAVE JOHNSON begged leave to suggest to the gentleman from South Carolina to withdraw his objections, as these resolutions were the same as those already before the committee, and the committee could not report until they were referred.

Mr. BURT, in reply to the gentleman from Tennessee, observed that this committee was raised out of courtesy to the State of Massachusetts; but it now appeared that there was a design to make it a standing committee, to serve as a receptacle for all those incendiary petitions and resolutions which could be manufactured to order.

The SPEAKER interrupted the gentleman from South Carolina, and stated that it was not in order to debate the question.

Some conversation ensued, in which Messrs. ADAMS, CAMPBELL, BLACK, SAMPLE, and WINTHROP took part, resulting in the SPEAKER's deciding that the question of reception could then be taken—Mr. ADAMS having stated that, in presenting the resolutions, he had called for the decision of that question.

The yeas and nays having been called for by Mr. ADAMS, and ordered by one-fifth of the

members present, were taken on the question, "Shall the question of reception be now considered?" and resulted—yeas 74, nays 91.

So the resolutions were not received.

Mr. ADAMS then proceeded with the presentation of petitions and laid before the House a great number on a great variety of subjects. Amongst others, there was one from Elmira, New York, praying for the amendment of the constitution so as to secure the extinction of the slave representation.

The yeas and nays were called for and ordered on the question of reception; and being taken, they resulted—yeas 73, nays 75.

So the petition was not received.

Mr. ADAMS presented a petition, the reception of which was objected to, and the yeas and nays demanded, upon the question of seconding the demand for the yeas and nays, 49 voted in the affirmative, and 52 in the negative. So the yeas and nays were not ordered.

On motion of Mr. HOLMES,

The House then adjourned.

#### IN SENATE.

WEDNESDAY, February 7.

Mr. SIMMONS presented the credentials of JOHN BROWN FRANCIS, a Senator elected by the Legislature of Rhode Island, to fill the unexpired term of William Sprague, who resigned.

The credentials were read, and he was qualified.

THURSDAY, February 8.

#### *Slave Representation.*

After the reading of the journal, Mr. BATES rose and said that, some days since, he presented to the Senate resolves of the legislature of Massachusetts upon the subject of amending the Constitution of the United States, so as to apportion representation and direct taxation among the States, according to the free population in each. He presented them because, as a Senator from Massachusetts, he thought it his duty to do so. He moved to lay them on the table. There was not within his contemplation more than one event that could happen that would induce him to call them up. He was not for disturbing the foundations of the government. He moved also, as was usual in such cases, that they be printed. The Senate refused to print them. It was now too late to move a reconsideration of the vote; and he would not move it if he could.

Yesterday, the honorable Senator from Georgia (Mr. BERRIEN) presented counter resolutions of the legislature of his State upon the same subject. He moved to lay them on the table, and to print them. The Senate ordered them to be printed. He (Mr. B.) voted for the printing. He rose then to bring the fact distinctly and formally to the notice of the

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Senate, that it might, if it thought proper, correct the difference in its action; or, if not, that his State might see the discrimination which had been made, and the measure of justice or injustice which had been meted out to her.

The CHAIR inquired whether he intended to submit any motion.

Mr. BATES remarked that he had no motion to submit to the Senate. He rose only to submit these remarks to its consideration.

#### *The State of Iowa.*

The PRESIDENT *pro tem.* laid before the Senate a communication from the President of the United States, transmitting a letter from the governor of Iowa, accompanied by a memorial of the legislative assembly of that territory, asking admission, as an independent State, into the Union; which, on the motion of Mr. SEVIER, was referred to the Committee on the Judiciary.

TUESDAY, February 13.

#### *The Fine Indemnity Bill.*

Mr. ALLEN moved to postpone the previous orders of the day, with a view to take up the bill from the House for restoring the fine imposed upon General Jackson at New Orleans.

Mr. HUNTINGTON inquired, before the question was taken, whether the effect would be to postpone the other subject—the tariff—which was in order to-day.

Mr. ALLEN remarked, that if the bill to restore the fine was not disposed of by the expiration of the morning hour, he would, at that time, move its postponement, to prevent any interference with the unfinished business of yesterday.

The question was then put on Mr. ALLEN's motion, and carried; and the bill was taken up, as in Committee of the Whole—the question pending being the amendment from the Judiciary Committee in the following words, viz:

*Provided,* That nothing in this act shall be construed to express or imply any censure of the conduct or character of the Hon. Dominick A. Hall, by whom the fine was imposed.

The question was then taken on the proviso of the Judiciary Committee, and decided in the negative, on yeas and nays—yeas 18, nays 26, as follows:

YEAS.—Messrs. Archer, Bayard, Berrien, Choate, Clayton, Dayton, Evans, Huger, Huntington, Merrick, Miller, Morehead, Pearce, Phelps, Porter, Simmons, Upham, and Woodbridge—18.

NAYS.—Messrs. Allen, Atchison, Atherton, Bagby, Barrow, Benton, Breese, Buchanan, Colquitt, Fairfield, Foster, Francis, Fulton, Hannegan, Haywood, Henderson, Jarnagin, King, Mangum, Semple, Sturgeon, Tallmadge, Tappan, Walker, Woodbury, and Wright—26.

On motion by Mr. EVANS, the further con-

sideration of the bill was postponed till to-morrow.

WEDNESDAY, February 14.

#### *The Fine Bill.*

On motion by Mr. ALLEN, the previous orders of the day were postponed, and the Senate resumed the consideration, as in Committee of the Whole, of the bill to restore to General Jackson the fine imposed on him in New Orleans.

Mr. WOODBRIDGE expressed, at considerable length, his views in opposition to the doctrine of instruction; and explained his reasons for not voting in conformity with the desire of the legislature of his State. In conclusion, he stated that the amendment of the Finance Committee having been rejected by the Senate, he could not vote for the bill in its original form.

There being no further proposition to amend the bill, it was reported to the Senate.

Mr. HUGER said he was very glad there was no disposition on the part of any member of the Senate to impute to Judge Hall any improper conduct. He had been a fellow-townsmen of Judge Hall, who was a lawyer of character in South Carolina, when he (Mr. H.) commenced the study of law. He was not intimate with him; but the community in which Judge Hall lived considered him, till the day of his death, incapable of doing any thing disreputable to his character, as an honorable and upright man. That he was wrong in this instance, he (Mr. H.) never had doubted. He, as well as the whole world, was surprised that General Jackson, under the peculiar circumstances of the war, was able to make such a defence as he did at the battle of New Orleans. If the question were now put, Would we have New Orleans defended as it was? we would say, Yes; that General Jackson's conduct was correct. He effected much more than was anticipated. In regard to the conduct of Judge Hall, he (Mr. H.) disapproved of it; but he spoke of his memory with every sentiment of respect; and, if he now had the power of erasing from history an act that was done thirty years since—if Judge Hall were living, and such a lapse of time had not taken place—he would not exercise that power. It presented to the public mind one of the best moral pictures recorded in modern history. There was General Jackson, the conqueror of the conqueror of kingdoms, returning to New Orleans, and presenting himself at the feet of justice, and bowing to the supremacy of the law. This was a moral picture more venerable, in his mind, than the victory achieved at New Orleans itself. The moral was much more important; and he trusted that, to the end of time, it would not be forgotten.

Mr. PORTER said that he stood in the same category with his honorable colleague—having



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*Maryland Delegation.*

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been instructed by three successive legislatures of his State to refund the fine, with interest; that his action in this body heretofore would show that he had voted in accordance with those repeated expressions of the legislative will, and but for the vote by which the Senate had rejected the amendment, having only for its object to shield the memory of Judge Hall from obloquy, he should now do as he had done before. He believed a majority of the people of Michigan—and a large one, too,—indeed the people of the United States, desired the adjustment of this matter, as a just pecuniary claim, founded on services which were attended by consequences glorious to the army of the United States, and resulting in the protection of an important point on the seaboard during the late war, from the ravages of an invading enemy. That whatever irregularities might have been committed by him in arresting, for a time, the civil arm, the motive was patriotic, and he had expiated his offence for the violence offered to Judge Hall, by not only submitting to the judgment pronounced against him, and paying the penalty, but by arresting the indignant feelings of an excited soldiery, whose idol he was for the time being, as their triumphant military leader.

With this amendment, he should have voted for the bill, by way of giving pecuniary indemnity—not to efface any supposed stain on the name of General Jackson. There was no stain to wipe away. History has faithfully chronicled this event. It was there recorded that both the judge and the general had acted to the best of their judgment, from proper motives. He accorded with much that had fallen from the Senator from Tennessee yesterday, in relation to the declarations made at the time by General Jackson himself, which exonerated Judge Hall from any imputation whatever; but because this bill, in its present form, would imply that his decision was wrong, he (Mr. P.) could not vote for it. He did not say that he would vote against it; but he certainly would not vote for it without the amendment proposed by the Judiciary Committee.

The question now being "Shall the bill be read a third time?"

Mr. SEVIER demanded the yeas and nays on that question. They were ordered, and taken, and the result was as follows:

**YEAS.**—Messrs. Allen, Atchison, Atherton, Bagby, Barrow, Benton, Brees, Buchanan, Colquitt, Fairfield, Foster, Francis, Fulton, Hannegan, Haywood, Henderson, Huger, Jarnagin, King, McDuffie, Mangum, Rives, Semple, Sevier, Sturgeon, Tallmadge, Tappan, Walker, Woodbury, and Wright—30.

**NAYS.**—Messrs. Archer, Bates, Bayard, Berrien, Choate, Clayton, Dayton, Evans, Huntington, Merrick, Miller, Pearce, Phelps, Simmons, Upham, and Woodbridge—16.

So the bill was ordered to be read a third time.

Mr. WALKER hoped there would be no

objection to the reading of the bill the third time then.

The question was then put whether the bill should be read a third time *instantly*, and decided in the affirmative.

The bill was then read the third time and passed, in the form in which it came from the other House.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 15.

Mr. KING, of Massachusetts, introduced his colleague, the honorable AMOS ABBOT, lately elected a representative from the State of Massachusetts; and Mr. ABBOT having presented himself at the table, the oath to support the constitution was administered to him by the Speaker.

*Resignation of Mr. Wise.*

The SPEAKER laid before the House a letter from the honorable HENRY A. WISE, stating that he had this day transmitted to the Governor of the State of Virginia his resignation of his seat in the House of Representatives of the United States, and taking leave of the House with the kindest expression of respect and regard for all its members.

On motion of Mr. HOPKINS, the letter was laid on the table, and ordered to be printed.

*Resignation of Mr. Gilmer.*

The SPEAKER laid before the House a letter from the honorable THOMAS W. GILMER, stating that he had transmitted to the Governor of Virginia his resignation of the seat he held in the House as a representative from the 5th congressional district of Virginia, and taking his leave of the House with the kindest expressions of respect and regard.

The letter having been read,

On motion by Mr. DRUMGOOLE, it was laid on the table, and ordered to be printed.

WEDNESDAY, February 21.

*Maryland Delegation.*

Mr. J. P. KENNEDY introduced his colleague, Mr. WETHERED, one of the recently elected members from Maryland; and he was affirmed to support the constitution, and then took his seat.

THURSDAY, February 22.

Mr. J. P. KENNEDY announced the attendance of his colleagues, Messrs. CAUSIN, PRATT, and BRINGLE, lately elected representatives from the State of Maryland; and these gentlemen having presented themselves at the table, the oath to support the constitution was administered to them by the Speaker.

## IN SENATE.

FRIDAY, February 23.

*Improvement of the Navigation of the Western Waters.*

MR. BREKESE said he had been requested by a highly respectable citizen of Illinois to present his memorial upon a subject of vast public importance—that of the improvement of the navigation of the western waters, in which not only the West, but the whole Union, have a great interest. As the memorialist speaks upon such a subject, it was but right he should inform the Senate who he was, and what claims he might have upon the notice of the Senate. His name (he said) is John M. Peck—a pastor in the Baptist church—a man of liberal education, of enlarged and generally accurate views, who had resided in the West more than a quarter of a century, and, in his capacity of missionary, had travelled upon the western rivers as often as any other one man whose pursuits are not wholly confined to them. It was his fortune to be one of the passengers upon the ill-fated *Shepherdess* on the night of the third of January last, when more than seventy persons found a grave in the dark and turbid waters of the Mississippi at midnight, and within sight of their destined port. The passengers, at nine o'clock, confident of their safe arrival, the greatest dangers of the river having been passed, had signed a complimentary letter to the captain, returning their acknowledgments for his care and attention to their safety, and each sought repose, gladdened by the cheering prospect of meeting once more dear relatives and friends, and enjoying the delights of home. At twelve o'clock the boat struck a snag, and in a few minutes the bow was under water. Many of the deck passengers were drowned in their beds. Some saved themselves by swimming, aided by pieces of plank, and other buoyant articles that floated from the wreck. Children perished with cold in their rescued mothers' arms; others mourned parents lost; and the widow's wail was heard amid the accumulated horrors of that scene.

If this was a solitary case, it would not be entitled—melancholy, afflicting, and heart-rending as it was—to claim more than the liveliest sympathies of Congress; but when it was considered that they were of weekly occurrence, and subject the immense trade and commerce of the West to heavy losses, (thereby diminishing its value, now greatly exceeding the entire foreign commerce of the nation,) it became entitled to the application of the legitimate powers of Congress also, to afford a remedy.

MR. B. said he was a strict constructionist. He would not, for the sake of any local advantage, stretch any of our powers beyond the grant; and, in all cases of doubt, he would refuse to act. He must be convinced a power had been granted, before he would consent to exercise it.

We of the West (said Mr. B.) believe we are entitled to the full benefit of the grant to Con-

gress "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." We do not believe its benefits should be exclusive, nor any other of the numerous blessings of this Government. Like the dew of heaven, they should descend upon all portions of our vast confederacy, in a measure suited to each respective position, and with an equal dispensation.

They have never been niggard in voting such appropriations to benefit, increase, and protect the foreign commerce of the nation, as its friends have required; they had contributed to erect the light-house, the stupendous break-water, and to improve the harbors of our sea coast. They now ask, in return, only that they shall have such appropriations as were applicable to their peculiar situation; and, as the western States had been admitted into the Union on an equal footing with the original States, "in all respects whatever," they claim the application of all the unquestioned delegated powers of Congress for their benefit. Benefits and burdens should be in some degree reciprocal; and, as the great West is now the greatest consumer of your foreign imports, she pays into the common treasury the greatest share of the national revenues.

It was (he said) a matter of gratifying consideration to witness the rapid strides with which that most delightful portion of the world had advanced to wealth and power, and how successfully her giant energies had been developed. Who can contemplate what will be its condition in the lapse of another half century? And counting its commerce now by millions, hundreds of millions then will only be the limit. On another occasion he would speak more at large on this very important subject; his object now being simply to allude to it as connected with the matter made most prominent in the memorial.

It is estimated (said Mr. B.) that the loss of boats on the western waters, amounts to near sixty per annum, the most of which are destroyed in the same manner as the *Shepherdess*—by striking snags and sinking. Those boats, costing on an average \$16,000 each, would constitute an annual loss of near one million of dollars; and if to this we add their cargoes, not more than 15 per cent. of which is saved, we shall have a most formidable sum, amounting to more than one million and a half of dollars. Independent of this, our commerce is subjected to grievous and onerous burdens, in the shape of 36 per cent. on the original cost of the boats for wages, 30 per cent. for wood, 18 per cent. for provisions, 16 per cent. for contingencies, and for insurance per annum, 15 per cent., besides the tolls for passing the canal at Louisville. To this is to be added the wear and tear of boats, estimated at 20 per cent., requiring a renewal of the capital invested, every five years. Upon ships navigating the ocean, being so much more safe than our rivers, their expenses are greatly diminished

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*Burating of the Princeton Gun.*

[FEBRUARY, 1844.]

—insurance on hulls not exceeding 1 per cent., and the other items very inconsiderable in comparison.

Of the whole steamboat tonnage of the United States, near two-thirds of it belong to the West; and it exceeds by 48,000 tons the whole steamboat tonnage of Great Britain nine years ago, it being then but 82,716 tons.

Besides all this, the trade carried on in flat and keel boats is immense—employing more than sixteen thousand persons, and a capital of eight hundred thousand dollars; all exposed to the dangers of the rivers: for which relief is sought.

In contemplating an efficient plan of improvement, it will be perceived that distinct and different systems are required upon the Ohio and Mississippi Rivers. Upon the former, and upon a section of the latter, called the Upper Mississippi, permanent works must be constructed; but upon the others, such is the peculiar character of the stream, the principles of hydrostatics not being practically applicable to them, annual appropriations must be made, and for the Missouri and Mississippi, as long as they flow with their wonted impetuosity.

The memorialist believes, and I agree with him, (said Mr. B.,) that these rivers should be arranged in four different sections—the Red and the Arkansas composing one; the Lower Mississippi, another; the Mississippi to the mouth of the Missouri, the third; and the Missouri River the fourth;—upon each of which, competent snag boats should be employed, with an efficient force during the season of working in each year. The expense of these boats will be trifling, compared with the importance of the object in view; and no doubt is entertained that a yearly appropriation of one hundred and fifty thousand dollars will accomplish all that is desired in this respect.

I have, upon leave of the Senate, (said Mr. B.,) introduced a bill, (now before the Committee of Commerce, to which this memorial will go,) proposing to appropriate \$250,000 for the improvement of the navigation of the Upper Mississippi, and to which I will send some valuable statistical information. I will merely remark now, that the lead trade of that region amounted to a million of dollars in value, and consisted of forty millions of pounds in the past year; that the lumber trade from the Saint Croix and the Chippewa Rivers is constantly increasing and very valuable; added to which, the immense surplus of the agricultural productions of that region, and the foreign imports consumed there, all subjected to the delays and dangers of the obstructions, I am induced to believe these facts, when properly presented, will induce the national legislature to advance in aid of the desired improvement. These rivers are our ocean streams—they bear our productions to market, and are the highways of a commerce grown to its present magnitude, aided by but a small portion of the fostering care of the Government. Upon that branch

of the river, sir, from the town of Alton alone, containing a population of not more than 8,000, the agricultural productions of a few counties adjacent were sent to market the past year, of the value of a million and a half of dollars; whilst from other towns upon its banks and landing places, the exports are vast, and constantly increasing. To such a trade and commerce, expending its millions, and pouring into the lap of enterprise opulence and ease, and contributing so largely to the wealth and power of the nation, we in the West invoke the constitutional aid of the national legislature, and such appropriations from its treasury as may accomplish a great national object.

On his motion, the memorial was then referred to the Committee on Commerce, and ordered to be printed.

## HOUSE OF REPRESENTATIVES.

FRIDAY, February 23.

*West Point Academy.*

Mr. HALE submitted the following resolution, and called for the previous question:

*Resolved*, That the national Military Academy at West Point ought to be abolished; and that the Committee on Military Affairs be instructed to report to this House a bill repealing all laws establishing the same, and appropriating the money now required to sustain that institution to the diffusion of military instruction in the different States and Territories.

Mr. HOLMES moved to lay the resolution on the table.

Mr. HALE called for the yeas and nays on the question; which, being ordered, resulted in—yeas 96, nays 70.

Mr. T. H. SKYMOUR submitted the following resolution, and demanded the previous question thereon:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing all laws establishing or continuing the national Military Academy at West Point, and that they report by bill or otherwise.

The second to the previous question having been refused by the House, the resolution went over, on notice of debate.

## IN SENATE.

THURSDAY, February 29.

*Burating of the Princeton Gun.*

Immediately after the reading of the journal of yesterday,

The following Message was received from the President of the United States by the hands of his private secretary, JOHN TYLER, jr. It was read, as follows:

*To the Senate and House of Representatives of the United States:*

I have to perform the melancholy duty of announcing to the two Houses of Congress the death

FEBRUARY, 1844.]

*Burning of the Princeton Gun.*

[29TH CONG.]

of the Hon. Abel P. Upshur, late Secretary of State, and the Hon. Thomas W. Gilmer, late Secretary of the Navy.

This most lamentable occurrence transpired on board the United States ship-of-war the *Princeton*, on yesterday, at about half after 4 o'clock in the evening, and proceeded from the explosion of one of the large guns of that ship.

The loss which the Government and the country have sustained by this deplorable event is heightened by the death, at the same time, and by the same cause, of several distinguished persons and valuable citizens.

I shall be permitted to express my great grief at an occurrence which has so suddenly stricken from my side two gentlemen, upon whose advice I so confidently relied in the discharge of my arduous task of administering the office of the executive department; and whose services, at this interesting period, were of such vast importance.

In some relief of the public sorrow which must necessarily accompany this most painful event, it affords me much satisfaction to say that it was produced by no carelessness or inattention on the part of the officers and crew of the *Princeton*; but must be set down as one of those casualties which, to a greater or less degree, attend upon every service; and which are invariably incident to the temporal affairs of mankind.

I will also add, that it in no measure detracts, in my estimation, from the value of the improvements contemplated in the construction of the *Princeton*, or from the merits of her brave and distinguished commander and projector.

JOHN TYLER.

WASHINGTON, February 29th, 1844.

The Message having been read,

Mr. RIVES addressed the Senate as follows:

Mr. President: The general feeling of the Senate has, I am sure, already anticipated me in what I have risen to suggest. The awful calamity communicated to us in the Message of the President just read, and which has made of yesterday, with all its unearthly brightness, one of the darkest and most inauspicious days in our national calendar, is but too well known to the Senate, in all its dreadful details and heart-rending results. Surely, Mr. President, never, in the mysterious ordinances of God, has a day on earth been marked in its progress by such startling and astounding contrasts—opening and advancing with hilarity and joy, mutual congratulation and patriotic pride, and closing in scenes of death and disaster, of lamentation and unutterable woe. It was my sad fortune, Mr. President, to be an eye-witness of these never-to-be-forgotten events. If I had language to describe them, the power of speech would fail me.

I have risen, in the midst of the universal sadness and dejection of heart which prevail around me, and under the overpowering weight of my own feelings, to suggest the propriety of suspending our ordinary labors and pursuits, in the presence and under the chastisement of this awful visitation of Providence. It has fallen to the lot of my own State to be the chief mourner on this melancholy occasion. Two

of her distinguished citizens, filling high places in the civil government of the country, have been cut down in the midst of their days and their usefulness; and another of her sons—a gallant officer of the navy—has been destined to fall, by disastrous accident, on a deck which, under other circumstances, he might have illustrated by his valor.

But, in so overwhelming a calamity, which stands almost without a parallel in the records of human misfortune, all bear their equal and sympathizing share. Surrounded, as we are, on every hand, by the desolate wailing of the widow, and the helpless cry of the orphan, none of us can be in a state of mind to discharge, with intelligence and composure, the duties which belong to us here.

Let us, then, Mr. President, bowing in all humility of spirit beneath this stroke of an all-wise and mysterious Providence, discard from our minds, for a season, the cares and excitements of our daily duties in this hall. Let us lay to heart the monitory lesson so impressively read to us in the events of yesterday, that “in the midst of life we are in death.” With this lesson engraven upon our hearts, let us keep constantly in view the eternal, as well as temporal responsibilities under which all the duties of both public and private life are to be performed. Let the deep sense of common calamity and mutual affliction unite us more closely by the ties of brotherhood and affection. Let us “put away from us all bitterness and wrath, and evil-speaking;” and when we come together again, under these chastening influences, we shall all feel, I trust, how much better patriots we are, for being better Christians.

Mr. R. concluded by submitting the following resolutions:

*Resolved*, That the Senate, impressed with the profound sense of the awful calamity which yesterday occurred on board of the steamer *Princeton*, by the explosion of a gun, involving the loss of many valuable lives, and among them of the Secretary of State and Secretary of the Navy,

*Resolved*, That the Senate will attend, in a body, the obsequies of the deceased members of the cabinet, and that a committee of five be appointed to make arrangements with such committee as may be appointed on the part of the House of Representatives.

*Resolved*, That, in consideration of this afflictive dispensation, the Senate do now adjourn to Monday next.

*Resolved*, That the Senate will go into mourning by wearing crape on the left arm for thirty days.

*Resolved*, That a copy of the foregoing resolutions be transmitted to the President of the United States.

The resolutions having been read, a message was received from the House of Representatives, by the hands of Mr. McNULTY, their Clerk, announcing the action of that body touching this awful calamity. The message was read, and concurred in.

The resolutions submitted by Mr. RIVES were unanimously agreed to; and

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*Death of Mr. Frick of Pennsylvania.*

[MARCH, 1844.]

The following Senators were appointed a committee of arrangements on the part of the Senate to act in conjunction with the committee on the part of the House of Representatives, viz., Mr. RIVES, Mr. ACHER, Mr. KING, Mr. WOODBURY, and Mr. BAYARD.

The Senate then, in accordance with its previous action, adjourned till Monday next.

## HOUSE OF REPRESENTATIVES

THURSDAY, February 29.

*Bursting of the Princeton Gun.*

The Journal having been read,

A Message was received from the President of the United States, by Mr. John Tyler, jr., his private secretary; which will be found in the proceedings of the Senate.

The Message having been read,

Mr. HOPKINS rose and said:

Mr. Speaker: I have risen to present to this House a series of resolutions touching the melancholy subject of the Message which has just been read. If it were becoming in me to speak upon an occasion so mournful, the deep feeling of grief which now pervades the bosom of every member of this House, and in which my own so sincerely and painfully participates, would render me incompetent to the discharge of such a duty. I shall be pardoned, therefore, in declining to utter one word in support of the resolutions which I have the honor of submitting, and which I know will find so generous a response from this body. I send them to the Chair.

Mr. H. then handed up the following resolutions, which were read and unanimously agreed to:

*Resolved*, That this House has heard, with deep sorrow, of the dreadful catastrophe which occurred yesterday, on board the United States ship-of-war Princeton, when many valuable lives were lost; and by which, amongst others, the Hon. Abel P. Upshur, Secretary of State, and the Hon. Thomas W. Gilmer, Secretary of the Navy, met a sudden and awful death.

*Resolved*, That this House will manifest its respect for the memory of the late distinguished Secretaries of State and of the Navy, and its sympathy for their bereaved families, by attending their funeral in a body.

*Resolved*, As a further mark of respect to the deceased, and to manifest our sense of this most melancholy and afflicting dispensation of Divine Providence, that this House will transact no legislative business until after the funeral obsequies of the deceased shall have been performed.

*Resolved*, That the members of this House will wear the usual badge of mourning for 30 days.

*Resolved*, That a committee of five members of this House be appointed, to make arrangement with such committee as may be appointed on the part of the Senate, for the attendance of the two Houses of Congress at the funeral of the late Abel P. Upshur and Thomas W. Gilmer.

[The following is the committee appointed on the part of the House: Mr. HOPKINS, of Virginia; Mr. CAVE JOHNSON, of Tennessee; Mr. O. J. INGERSOLL, of Pennsylvania; Mr. JOHN Q. ADAMS, of Massachusetts; Mr. D. D. BARNARD, of New York.]

*Resolved*, That when this House adjourn to-day it will adjourn to meet on Monday next.

*Resolved*, That the House do now adjourn.

The House then adjourned.

## IN SENATE

MONDAY, March 4.

*Death of Mr. Frick of Pennsylvania.*

A message was received from the House of Representatives, by Mr. McNULTY, their Clerk, informing the Senate of the death of the Hon. HENRY FRICK, a representative from Pennsylvania, and the passage of the usual resolutions of that body, in testimony of respect for the memory of the deceased; which being read,

Mr. BUCHANAN rose, and addressed the Senate as follows:

Mr. President: It has become my painful duty to move the resolutions customary on such occasions, as a token of respect for the memory of the Hon. HENRY FRICK, late a member of the Pennsylvania delegation in Congress, information of whose death has just been communicated to us by the House of Representatives.

The performance of such a duty, at all times solemn, is rendered peculiarly impressive upon the present occasion, by the sad and melancholy gloom in which we are now enveloped. The vanity of worldly honors and the folly of ambition have been brought home to the hearts of all who hear me, by the late astounding and heart-rending catastrophe, which has covered a nation with mourning. Every man, and especially every public man, must, at the present moment, deeply feel how worthless are the highest honors and distinctions which human power can bestow upon human frailty; even when these have been nobly won by wisdom, patriotism, and virtue. Truly, in the language of Scripture, "man walketh in a vain shadow, and disquieteth himself in vain." The grave had not closed upon the mortal remains of those whom we all deplore, when death struck down another victim from our midst, among our associates in Congress. May these melancholy events, following each other in such rapid succession, soften and subdue the maddening impulse of political excitement, and teach us to feel that we are all brethren—that we are all fellow-citizens of the same glorious republic!

Mr. FRICK was born in the county of Northumberland, and State of Pennsylvania, in the year 1795. At an early age he learned the noble art of printing, in the city of Philadelphia. Whilst yet in his minority, fired with youthful patriotism, he united himself to a volunteer company, and took up arms in defence

of his country during the late war with Great Britain. In the year 1816, he established a political journal in his native county, which he continued to conduct for more than twenty years; and it is still owned and conducted by members of his family.

Mr. FRICK represented his county with fidelity and ability during three successive sessions, commencing with that of 1828, in the legislature of Pennsylvania; and he was finally elected to Congress in October last, under circumstances which clearly evince that he enjoyed uncommon personal popularity among those who knew him best. The history of his life presents no very remarkable events. It is the history of a man (fortunately so common in this country) who, from an humble beginning, has, by industry, ability, and perseverance, gradually surmounted every intervening obstacle, and at last attained the high distinction of a seat in the other branch of Congress. He terminated his earthly career in this city, on Friday last, after a long and lingering illness, which he bore with calmness and resignation.

The deceased was an affectionate husband, a kind father, and a sincere friend. The impulses of his nature were noble and generous; and he performed all the relative duties in life in such a manner as to secure to himself numerous, ardent, and devoted friends. Let his virtues be remembered, and let his faults (if he had any) be buried in his grave!

The widowed partner of his bosom, in obedience to a feeling so natural to the human heart, requested that his mortal remains might be carried home for interment in the bosom of his native earth. In compliance with her wish, and under the advice of the Pennsylvania delegation, his body left this city on Saturday morning last, accompanied by his son and two of his friends from the other House. This is the reason why no order has been taken concerning his funeral.

He concluded by submitting the following resolutions, viz:

*Resolved*, That the Senate has received, with deep sensibility, the communication from the House of Representatives, announcing the death of the Honorable HENRY FRICK, a representative in Congress from the State of Pennsylvania.

*Resolved*, That in token of sincere and high respect for the memory of the deceased, the members and officers of the Senate will wear crape on the left arm, as mourning, for thirty days.

*Resolved*, As a further mark of respect, that the Senate do now adjourn.

The resolutions were unanimously agreed to; and

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, March 4.

The journal having been read—

Mr. THOMPSON announced the attendance of

his colleague, Hon. ROBERT W. ROBERTS, elected a representative from the State of Mississippi; and, Mr. ROBERTS having presented himself at the table, the oath to support the Constitution of the United States was administered to him by the Speaker.

#### Death of Mr. Frick.

Mr. J. R. INGERSOLL rose, and addressed the House as follows:

At the request of my colleagues, I rise to perform the painful duty of announcing the death of the Hon. HENRY FRICK, of Pennsylvania. He died at his lodgings in Washington on Friday last, when the whole city was already shrouded in gloom by that signal and sad calamity which struck down in a moment festivity in its innocent mirth, and power, and place, and talents, and virtues in their becoming pride. Death, in all its aspects, is full of solemnity. It sometimes appears armed with double terrors, when it selects its reluctant and unprepared victims among those of robust and youthful frame. The blow—always heavy to the hearts of surviving friends—is not without a degree of mournful consolation when they reflect that disease had long been preying on the shattered system. Wearied nature is relieved from a load of trouble when it sinks into the grave after time and opportunity have thus been afforded for solemn thought. The undying spirit, chastened by the pangs which its frail covering has endured, becomes less unwilling to throw it off, and nothing departs but life and suffering, while an unspotted name remains behind. The consolation is increased when distant affection may be told that, although the closing eye was not permitted to linger upon familiar objects of a cherished home, yet the stranger's pillow was smoothed by the hand of sympathy, and the agonies of disease were lessened by watchful tenderness, which strove in vain to avert the approach of death.

Both of these sources of diminished grief are found in relation to the gentleman whose seat has become vacant since we last met together. He died while yet in the meridian of life, although a fatal malady, for a course of years, had marked him for its victim, and had counterfeited too well the furrows of age upon his hollow cheek. He was born in the town and county of Northumberland, Pennsylvania, in the year 1795, and was educated as a printer in the city of Philadelphia. Early in life he established a public journal at Milton, where he has continued to reside. A mourning family will there receive his mortal remains, and will deposit them bedewed with pious tears in the midst of kindred dust and ashes. His editorial labors did not cease for more than twenty years. He thrice served with credit and fidelity in the legislature of his native State, and he received those military honors which proclaim the merit of the individual and the respect of his fellow-citizens. At the last autumnal election he was

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*Military Academy.*

[MARCH, 1844.]

returned to Congress from the thirteenth district of Pennsylvania, composed of four adjoining counties. His residence among us has been too brief, and his health too infirm, to have allowed a large accession here to his stock of friends.

Estimable in the relations of domestic and social life, active and faithful in the discharge of public duty, true to his friends, and just (if he had any) to his enemies, he lived and died respected and esteemed, an honest and honorable man, and a sincere and zealous patriot.

And thereupon, on motion of Mr. I., the following resolutions were unanimously adopted, viz:

*Resolved*, That this House has heard with deep sensibility of the death of the Hon. HENRY FRICK, a member of this House from the State of Pennsylvania, which took place at his lodgings, in this city, on Friday last, the 1st instant.

*Resolved*, That the members of this House will testify their respect for the memory of the deceased by wearing crape on the left arm for thirty days.

*Resolved*, That, as a further mark of respect for the memory of the deceased, this House do now adjourn.

The House adjourned.

WEDNESDAY, March 6.

*Lead Mines.*

Mr. HOGE, on leave, introduced a bill to authorize the President of the United States to cause the reserved lead mines in the State of Illinois and Territories of Iowa and Wisconsin, to be sold; which was twice read, and referred to the Committee on Public Lands, and ordered to be printed.

*Resignation of Mr. Beardsley.*

The SPEAKER laid before the House a letter from the Hon. SAMUEL BEARDSLEY, stating that he had transmitted to the Governor of the State of New York his resignation of his seat in Congress as a representative from that State; and taking leave of the House with expressions of respect and esteem: laid on the table and ordered to be printed.

THURSDAY, March 7.

*Military Academy.*

On motion of Mr. MCKAY, the House then resolved itself into Committee of the Whole on the state of the Union, (Mr. DROMGOOLE in the chair,) and took up for consideration the bill (No 80) making appropriations for the support of the Military Academy.

Mr. MCKAY proposed some verbal alterations, not affecting the substance, which were concurred in.

Mr. HUNGERFORD moved to amend the bill by adding certain provisions, which, at the suggestion of Mr. HARALSON, were considered sep-

arately; the first being to cut off the allowance now paid to military professors.

Mr. HARALSON said he would remark, for the information of the House, that the subject of a reduction of the expenditures of the Military Academy had been brought to the notice of the Committee on Military Affairs, and was now under consideration. He was not authorized to speak in detail; but he was justified in saying that a proposition was before the committee, which would be submitted to the House, that would, if adopted, save thousands annually to the Government. A considerable saving would be proposed not only in regard to the expenditures for the professors, but for the cadets. He would just mention one saving it was proposed to make, and that was to reduce the pay of the cadets from sixteen to eleven dollars per month. The committee believed that a great reduction of expenditure could be made without any injury either to the academy or to the cadets. It was also proposed to reduce the expenses of this institution in various other ways; and he would, therefore, submit to the gentleman who offered the amendment, that the right time to make the reduction he proposed, would be when the report of the committee came in. If the gentleman should then find that the committee had not gone as far as he thought necessary, he might move to amend their report. We are now (said Mr. H.) appropriating money to keep the academy in existence, and the subject of its reform was not properly before the House. Let this appropriation be made; and if the House should hereafter think proper to cut down the academy, the appropriation would not be used, but would be retained in the treasury to apply to other objects.

The question was then taken, and the amendment was lost.

The next amendment was a proviso that no allowances should be made to the French teacher, or drawing-master, for servants. This was adopted.

The next was a proviso that no extra allowances should be made to the cadets above their pay. Rejected.

The next amendment was a proviso that no allowances should be made for forage, and that no horses shall be kept at the academy. Rejected.

The last amendment of Mr. H. was a proviso that all supernumerary second lieutenants of the army, who have graduated at the Military Academy, shall be disbanded.

Mr. MCKAY observed that the gentleman had better offer this amendment when the army bill came up, which would be in a few days. No part of this appropriation, he said, would be applied to the pay of these supernumerary second lieutenants.

Mr. HUNGERFORD then withdrew the amendment.

Mr. HALE submitted an amendment striking

out all after the enacting clause, and submitting a bill repealing the laws authorizing the appointment of cadets, and disbanding the corps.

Mr. H. said he offered this amendment in obedience to the instructions of the legislature of his State; and he must be permitted to say that no legislature ever devolved on a representative a more willing duty, and one more in accordance with all the convictions of his understanding, as well as his sense of propriety and justice. The reasons which induced the legislature of New Hampshire to give such instructions, were fully set forth in the preamble and resolutions he had some days since the honor of offering to the House. The legislature said that, though this institution had been in existence upwards of forty years, and was kept up at an expense of \$200,000 annually, it failed to furnish officers for the defence of the country, except in times of peace.

Of their inefficiency in the Florida war he (Mr. H.) was fully satisfied. There was a gentleman there, the delegate from that Territory, (Mr. LEVY,) who informed him that the most effectual service in that war was rendered by the citizen soldiers. The legislature of New Hampshire went on to say, that the Military Academy was not deserving of further support; and their representatives in Congress were directed to vote for its abolishment. The legislature of Connecticut, also, as well as the legislatures of several other States, had passed similar resolutions. Mr. H. then gave a history of the rise and progress of the Military Academy; showing that it commenced from the small beginning of an appropriation to provide four teachers for a corps of artillery and engineers. It had now, he said, increased to such an extent that the army, consisting of only 7,000 men, had officers enough for an army of 100,000 men, while the academy was annually furnishing forty or fifty more. Mr. H. contended that there was no more reason and justice in the Government educating, gratuitously, young men for the military profession, than for any of the civil employments of the country. It was desirable that we should have learned judges on the supreme bench, able and skilful diplomatists to represent us at foreign courts, and accomplished statesmen to serve the country in Congress; and it would be just as proper for the Government to educate young men to fill these stations as to educate them for the army.

Mr. J. BRINKERHOFF hoped neither the amendment nor the substitute would be adopted. He believed something in the character of the West Point Academy was necessary and proper; and in this he believed he was sustained by high authority.

A message was here received from the Senate accompanied by various bills passed by that body.

Mr. BRINKERHOFF resumed. It must be in the recollection of every member, that this institution, or a military academy of some sort, had been recommended by nearly all our distinguished citizen soldiers since the days of the

revolution. If he mistook not, it was recommended by the father of his country, and likewise by General Jackson. Our distinguished citizen soldiers, though formed by nature to become successful generals, felt the necessity of science; and there was one general complaint, in the earlier portion of our history, of the incompetency of our engineers, and the consequent necessity there was to employ foreign adventurers, on their coming to this country with professions that could only be tested by experience. The capture of Forts Montgomery and Clinton was, he believed, attributed to the unskilful manner in which they had been projected and constructed by foreign adventurers calling themselves engineers.

There were, he knew, many prejudices existing against West Point, which should be removed. It was a common impression abroad that the youth appointed to that institution were the sons of the rich and powerful, and the aristocratic; but that was not true. There was, however, a growing ill-will towards that institution; and its friends (of which he professed to be one) should apply needful reforms, and thereby restore it to popular favor. He spoke of the large number of supernumerary second lieutenants, who were supported at a large annual cost, for no earthly reason, and said they should be turned out, to take care of themselves now that the nation had fitted them by education to follow any profession by which they might not only live, but benefit the country which had done so much for them. He further contended that it was not necessary that all the officers of our army should be scientific men: no great amount of service was required to teach an awkward squad how to "shoulder arms;" and yet, by keeping up West Point Academy at its present state, no young men from civil life, whatever might be their qualifications, could obtain a commission in our army. And further, there could, for the same reason, be no promotions from the ranks; and thus that which so advantageously gave superior efficiency to the French army, was not operative with us; while if there was a republican principle, that was one. He deemed it only necessary that the engineers and the officers of artillery should be graduates of the academy, and that the other commissions should be open to well-qualified men from civil life, or to operate as a stimulus to the rank and file. Such reforms as these would remove many existing objections to the institution, and yet secure all the benefits which it was designed to produce; but to abolish the institution he could not agree, nor did he believe that the country would.

Mr. DANA rose to give the reasons which would induce him to vote for the abolition of the Military Academy. He was opposed to it because it was an aristocratic institution. It gave to a few exclusive privileges which it denied to the many. After illustrating that position, he proceeded to contend that the cadets



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were an annual charge on the national treasury, without any equivalent being given to the nation for all that expense, and all the extra privileges which were conferred. He further objected to the manner of their selection. The appointment of cadets had become an appendage to the membership of Congress, and he objected to the bestowal of these privileges and this patronage on the members of this House, whereby they were enabled to provide for relatives or *protégés*.

He objected to it further, on the ground of the influence which such power was calculated to exert in their legislation. Judging by the list of the names of cadets, they were appointed from the families of members of Congress.

Mr. GIDDINGS interposed, and said that, four years ago, being applied to to nominate a cadet for his district, and having at that time a son of the proper age, he wrote to many of the prominent men of his district to send him the name of a candidate; but he could not obtain one.

Mr. DANA said the district of the gentleman from Ohio appeared to be peculiar in many respects. [Laughter.] He then pursued the course of his remarks in opposition to the Military Academy; observing, as he proceeded, that if any youth were to be educated at all at the public expense, he preferred that they should be the children of the poor. But he objected to this mode of educating young men, because of the feelings which it produced amongst those who were its objects. They deemed themselves the exclusive favorites of the nation, and they looked down, in consequence, with no little contempt on the rest of their fellow-citizens by whose bounty they were fed and taught: they also deemed themselves indispensable to the nation; and for their justification, they had the exclusive legislation of Congress in their favor; for they might ask, if they were not of indispensable importance to the nation, why this exclusive legislation, and the conferring of advantages which were denied to others? But he would ask whether this nation received advantages which were commensurate with the expenditures which were made for this institution? He referred to its cost as set forth in a report made to this House by the Secretary of War during the present session, and said that since the year 1815 it was upwards of four millions of dollars. In that sum was included about \$710,000 for fixtures, which was not absolutely wasted, though they were of little value in any other respect than as connected with this institution. The current expenses then, of educating the cadets since the year 1815, was \$3,391,500; being an annual average of about \$180,000, and an expense for each cadet of something like \$3,873. He went through other statistical statements, showing the number of cadets educated annually, the number that graduated each year, and the respective proportions of the graduates that were placed in the army, and that became a

burden on the nation as supernumerary second lieutenants, without any good resulting to the country. He next proceeded to show the positive evils that arose in the army itself by such a system—the jealousies, contempt, tyrannies, controversies, ending in courts of inquiry and courts martial, and other evils of considerable magnitude.

On motion of Mr. HUNT, the committee rose and reported progress; and

The House then adjourned.

FRIDAY, March 8.

*Thanks to the British Government.*

Mr. MARSH, from the Committee on Naval Affairs, reported the following joint resolution; which was read three times, and passed:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be requested to communicate to the British Government, in such manner as he may deem proper, the high sense entertained by Congress of the generous zeal displayed by the British authorities at Gibraltar; and the commander, officers, and crew of her Britannic Majesty's ship Malabar, in endeavoring to save from destruction the American steam frigate Missouri, and in preserving the lives of her officers and crew, as well as of the kindness and hospitality which characterized their treatment of the ship's company of that vessel after her destruction by fire.

IN SENATE.

TUESDAY, March 12.

*Oregon Question.*

The Senate resumed the consideration of the resolution submitted by Mr. SIMPLER, in the following words:

*Resolved,* That the President of the United States be requested to give notice to the British Government, that it is the desire of the Government of the United States to annul and abrogate the provisions of the third article of the convention concluded between the Government of the United States of America and his Britannic Majesty, the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1813, and indefinitely continued by the convention between the same parties, signed at London the 6th August, 1827.

Mr. BUCHANAN said he was deeply impressed with the importance of this question; and still more deeply impressed with the conviction that a speedy and peaceful settlement of it could only be obtained by a speedy action upon the subject. All were anxious that this question with Great Britain should be settled in peace; and no Senator on this floor was more anxious for such a consummation than he was. But he was firmly and solemnly convinced that the mode pointed out by his friend on his side of the Senate, of accomplishing the object, utterly failed. We were sending numerous emigrants

across the Rocky Mountains every year, who were there under no control but that of their own passions. Law and government must be sent with them; or under the establishment of the government of England, called the Hudson Bay Company, which existed there, they would probably be forced into a collision; and such a collision would indeed be fatal for the peace of both countries.

This question ought to be considered by Senators as practical statesmen; and his sole wish on the present occasion was, that they should pursue such a course as would maintain our title to the territory, and yet preserve the peace of the world. He should not say much upon the form of the resolution offered by the Senator from Illinois, (Mr. SEMPLE.) If it were not correct, it could easily be amended. He scarcely thought, however, without going into the question of executive power, that any President of the United States could be authorized to give that notice without the sanction of Congress. A treaty was the supreme law of the land. This treaty had existed for a quarter of a century. It could only have been ratified by a majority of two-thirds of the Senate; and it could hardly be expected that the President of the United States, upon his own authority, would abrogate and annul this treaty, without the advice and consent of that body. Without, therefore, embarrassing this question—without any technical objections to the form of the resolution—he should proceed to discuss this subject. What was the question? On the 20th of October, 1818, a convention was framed between the United States and Great Britain, by which the Territory of Oregon was opened to the citizens and subjects of both nations for the term of ten years—its bays, creeks, harbors, navigable rivers, &c., inclusive. But this joint occupation was not to affect the title or claim of either Government to that Territory.

In August, 1827, this convention was renewed, extending the provisions of the third article indefinitely, and enabling either party, on a notice of twelve months, to abrogate or annul this convention. The question now was, Shall the Senate advise the President of the United States to abrogate and annul this convention? If it were annulled, each party would be restored to its original rights; and what were they? Mexico had an undisputed claim, and was in undisputed possession of the country up to the latitude of 42° N. By a treaty between Russia and the United States, and afterwards between Russia and England, the dominions of Russia were limited to 54° 40' of north latitude. So that the territory in dispute between the two nations (England and the United States) embraced the whole north-west coast of America from 42° to 54° 40' north, extending east to the summit of the Rocky Mountains. Now, to the whole of this territory—to every foot of it, from the latitude of 42° north to the latitude of 54° 40'—he believed most firmly we had a clear and conclusive title.

Under the public law of Christendom, which had existed ever since the establishment of the continent of America, he thought it could be demonstrated that we had this clear and conclusive title. He himself intended, on a future occasion, when the bill should come before the Senate for establishing a territorial government, if no one else rose, to establish such a claim as no power on earth could gainsay. But the question of title was not now brought forward; and it was not his purpose to go into it. If it had been his purpose, the Senator from Illinois, (Mr. BREXER,) who had made his first appearance here in a most able and distinguished speech, would have superseded what he (Mr. B.) had to say. There was a distinguished fellow-townsmen of his own—a Philadelphian—who had placed this question in a clear and conclusive light; and, as far as he had examined it, the work of Mr. Greenhow had entirely superseded all that could be said on the subject.

Then, coming directly to the question or inquiry, Ought we to give this notice? He (Mr. B.) contended that if we wished to make a treaty with England at all—if we wished to settle the question—it was indisputably necessary that we should give this notice. And why? On the plainest principles of common sense, and on the policy that governed nations. The *status in quo* was too popular in England to permit the English Government to give the notice at the present moment. She had now, and had had for a quarter of a century, the exclusive possession of this entire territory belonging to us, for every purpose for which she desired to possess it. It was even a matter of boast that the Hudson Bay Company had expelled the Americans from the territory; and we heard, from the most authentic sources, that they had murdered between four and five hundred of our fellow-citizens, either themselves, or through the agency of their influence with the Indians. We had gone there for the purpose of interfering with their hunting and trapping! Under the existing treaty, they had all that they desired. They had exclusive possession of this vast country. They had the fur trade, (which was part of their wealth,) and a means of enlarging and extending the trade of the mother country; and why should they wish to change their position? Why should they desire even to divide this territory at present with the United States? It would only make their position worse instead of better. If we should, indeed, consent to yield to the enormous demand she had made to bring our title down to the mouth of the Columbia River, they would have all. Their policy was to keep all, as long as furs were valuable in that country.

Knowing the policy which has always actuated the British Government, and all other Governments, he should not be astonished at all, if we could go to the cabinet of Pakenham—for whom, by-the-bye, he en-

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tertained a high personal respect, so far as he was acquainted with him—that we would find his instructions to be, Delay this question as long as you can—the longer you delay the settlement of it, the better for us. We have the hunting and entire trade of the whole territory, and if the question of title can be kept back twenty years, or indefinitely, so much the better.

That was every thing they desired—every thing they wanted; and, his (Mr. B.'s) life for it, there would be no treaty if the Senate of the United States should vote to lay this resolution on the table, as he had no doubt they would do. He was as firmly convinced of this as that he had the honor now to address this enlightened assembly. Let the resolution be laid upon the table, accompanied by the able speeches on the other side of the House, of the Senator from Massachusetts, (Mr. CHOATE,) in particular, who did not want to disturb this convention for twenty years, and the speech of the Senator from New Jersey, (Mr. MILLER,) against insisting upon our claim at all—let there be such a vote as that, and whatever might be the instructions of Mr. Packenham, we should have no treaty. The English would be very glad to enjoy all these benefits and advantages for twenty years longer. But, if the notice be given, Great Britain would begin to consider the subject seriously. We owed it to our own personal respect, not to make any threats; and we knew, from the history of Great Britain, that threats would not have the slightest effect upon her. We owed it to ourselves to make the question a serious one—to show a determined spirit. It should be settled peaceably. It had been long pending; and whenever Great Britain discerned that we were in earnest about it—that we were determined to urge our right, not in an uncourteous manner—then, and not till then, would we receive that respect from her calculated to preserve peace and harmony. It was not by subserviency—it was not by abandoning our rights—it was not by suffering her to remain in undisputed possession of the territory for a quarter of a century longer—that we should ever conciliate her, or that we should ever obtain justice. Before giving this notice, we had a full year to settle the question. He (Mr. B.) did not know that it would be settled in a year; but until the notice was given, from the principle which actuated mankind in all nations, he ventured to say that we had no chance of failure. If, upon the arrival of a British minister (who, by-the-by, was no special minister, as was at first reported, but a resident minister plenipotentiary) on a mission like that of Lord Ashburton—if, upon his mere arrival, we at once arrested our whole course of proceedings, what was it but saying that we wanted to do nothing at all, because a minister had arrived? It was certainly treating the British Government with profound deference, to proclaim in our speeches here that we did not want the territory for twenty years to come. So much on that point.

His second proposition was this: that to arrest all legislative action now, under the existing circumstances, would evince a tame and subservient spirit towards Great Britain; and be, perhaps, the means of granting her all she desired. England, in her foreign policy, had never failed to make one concession the foundation for demanding another. She could never be appeased by concessions. A firm and determined, but at the same time, a respectful spirit, was the spirit which ought to actuate us in all our intercourse with England; which was, undoubtedly, the most powerful Government on the face of the earth. The Senator from Massachusetts (Mr. CHOATE) said the controversy upon this subject had rested for a quarter of a century, and why should we not let it rest for twenty years longer? Was this so? Was not the Senator entirely mistaken, in the assertion that the question had slept so long? So far from this being the case, from the time when Lewis and Clarke crossed the mountains in 1805, until the present day, we had been always agitating this question. He (Mr. B.) had requested the Secretary of the Senate to hunt out for him among the public documents, all that had been written—all that had been published on the subject. He wished he had counted the number of volumes which the Secretary succeeded in finding. He was sure there were thirty at least.

From that day until this, we had always been agitating the question. It had not slept. The American people had never suffered it to sleep; but we had agitated it in vain. We had spent our twenty-five years in vain; and from the present prospect he feared we might spend another quarter of a century, without accomplishing any thing. We were in possession of this territory before the war; but in a fatal moment, we agreed to this joint occupation treaty, (in 1818;) and before taking his seat, he would show how the British Government acted in regard to this treaty, and what construction they put upon it. From the days of Governor Floyd—who had been sleeping with his forefathers for many years, and who introduced the subject to the notice of the other House—until this day, the question had always been in agitation. And yet what was the argument of the Senator from Massachusetts, (Mr. CHOATE?) To keep quiet—to enjoy a little more sleep, and a little more slumber, whilst Great Britain, with gigantic strides, was taking possession of that country, which she would do, unless we, with determined spirit, asserted our rights.

But if we had slept for twenty-five years, was that any reason why we should sleep any longer? If we had not asserted our claim, was that any reason why we should not?

The useful and honorable life of the Senator (Dr. Linn) who had sat so many years near him, (Mr B.,) was spent for the last five years in asserting our claims to this title. He (Dr. Linn) thought the propitious moment had arrived, when Lord Ashburton reached this

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country, as a minister of peace; for the declaration of Mr. Webster was, that he was authorized to settle all the points of difference between the two Governments. On the advice of his friends, Dr. Linn ceased to agitate the question during the mission of Lord Ashburton. Here Mr. B. eulogized in feeling terms the life and character of Dr. Linn; in concluding which, he observed that the settlers in Oregon would deserve the brand of ingratitude, if they did not name the first city in that territory, the city of Linn.

In common with all the Senate, he (Dr. Linn) then hoped this question would be settled. He thought that was the propitious moment. England had, at the time, been unsuccessful in her wars in the east; her starving population was almost in a state of rebellion; she had not succeeded in her quintuple treaty with France; her revenue was not sufficient to meet her common expenses of government; her minister had come here, in his advent proclaiming that he was ready to settle all the questions of dispute between his Government and that of the United States. That, surely, was the propitious moment to settle the Oregon question. What a disappointment was felt, that it was not included in the negotiation, all could remember. The moment it was known that the Oregon question was not to be settled in that treaty, Doctor Linn gave notice that he would press his bill for the organization and settlement of the territory. But now, was the United States to strike its flag a second time, on the arrival of a new minister from England? After her subjects had been allowed to occupy the territory from the time the Hudson Bay Company set foot in it till the year 1842, this country at once, on the arrival of a British minister, arrested all further proceedings in pursuance of its rights; and was it to be wondered at, if now, on the arrival of another British minister, should our proceedings be a second time arrested, that the consequence would be similar results? This is not the way to treat with England. She does not expect any such concessions from us. If we desire to have justice from her, or any nation, we must assert our rights in a proper manner. If we do that, little will she be encouraged to make further delay; if we do not, judging from the results of the former negotiation, little will she be inclined to settle the question at all. She has now got from us in the north-east, by treaty, our native highland boundary, for which our fathers fought. Our native highland boundary is converted into a military high road, between her colonies and Quebec, the city of her empire in the north-east of this continent. She is in the possession of these highland passes, through which she can pour her troops into the United States; and we know the importance of this possession to her for a line of military posts, from the report of the board of British officers, and the opinion of the Duke of Wellington on

the subject. She has got all that; and what is worse than all that,—no, he would not say she could be disgraced before the world—but he would say that, from the British Parliament itself, it had been proclaimed to all mankind, by the British minister, that, at the very time Lord Ashburton obtained this highland territory by negotiation, he had in his pocket the evidence that he had no claim to it; evidence on the face of a British map, taken from the library of George III., upon which was marked, by the very hand of the sovereign himself, the very line of boundary always claimed by the United States as the line agreed upon in the treaty of 1783—a line showing conclusively that England had no title whatever to a single foot of the territory she demanded. Mr. B. here read extracts from speeches of Sir Robert Peel, admitting this fact; and also from speeches made by Lord Brougham on the same subject, both showing that George III. had traced in a broad red line on the map, with his own hand, the boundary line pointed out to him by Mr. Oswald as the line he had agreed upon in the treaty of 1783; the King having written three or four times over the line that it was the boundary agreed upon by Mr. Oswald. In these speeches it is also stated that Lord Ashburton had this very map in his pocket at the time of making the treaty of Washington, and did not make it known to Mr. Webster; admitting, also, that it destroyed every British pretension to the territory, and established most unequivocally the right of the United States to all they had claimed.

Mr. B., commenting upon these disclosures, said he had too much respect for himself, too much respect for Lord Ashburton, and too much respect for the British Government, to make use of the only epithets that could properly express the character of that transaction. But, he asked, could any thing prove more strongly that the Government of England was ready to go to war?—that the torch was ready to be applied to the cannon in mortal conflict with this country, at the very time that she had the most conclusive and unequivocal evidence in her possession that she was not entitled to one foot of the territory for which she was going to fight.

If, after all this—if again, on the arrival of another British minister, (and not a special minister either, as had been reported,) we ground our arms, arrest all proceedings in Congress, and wait an indefinite time for the settlement of this question, it never will be settled. But, says the Senator from Massachusetts, "It might give offence! It would be disrespectful to the British Government to give this notice on the arrival of the British minister!" Disrespectful to give the notice which the existing treaty authorizes us to give—a notice according to the very letter and spirit of the treaty? For his life, he (Mr. B.) could not imagine how the British Government could,

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or how it ever would, consider that acting in obedience to the stipulations of the treaty could be disrespectful.

Giving this notice was not entering into hasty measures. There would still be a year left for negotiation. They must have an extreme opinion of the sensitiveness of the British Government who suppose that acting in conformity with the treaty would, by any possibility, give offence. And, if it does—if that Government should be so unreasonable as to take offence, when none is intended, at our action in pursuance of the stipulation pointed out in the treaty, in heaven's name, let the British Government be offended! It will not be our fault. We might regret that such would be the effect; but we would have occasion to regret still more, if we were to arrest all our proceedings on the advance of the British minister, and do nothing. There never would be a settlement of this question if things were to go on in this way. The British Government did not want it better settled than it is. They possess the territory for all the purposes they desire; and as long as we say we will neither go there, nor authorize our people to go there, the question never will be settled.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 13.

*Military Academy.*

Mr. McKAY moved to suspend the rules, to enable the House to go into Committee of the Whole on the Military Academy bill: carried.

On motion by Mr. McKAY the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. DRUMGOOLE in the chair,) and resumed the consideration of the bill making appropriations for the support of the Military Academy—the question being on the amendment to the amendment of Mr. HALZ, providing that the academy shall be abolished; and that the money heretofore annually appropriated for that institution shall be applied to military education of the militia and volunteers in the States.

Mr. HUNT, of New York, observed, that the propositions now pending before the committee were so diametrically opposite in character as to impart additional interest to the subject. The Committee of Ways and Means in the discharge of the duties imposed on them by the House, had reported a bill making the ordinary appropriations for the support of the Military Academy; and the gentleman from New Hampshire had submitted an amendment to abolish that institution altogether. He often had occasion, during the course of the session, to admire the zeal displayed by his honorable friend, in exposing, correcting, and reforming all the abuses of the Government; and he had certainly displayed a zeal which he considered highly meritorious. He was constrained, however, to say, that the remedies the gentleman

sometimes proposed to heal the existing defects in our system of government, were not such as met his approval, and he trusted would not be approved by the House. The honorable gentleman, in contemplating the different branches of expenditures of the Government, looked upon them as nothing but abuses, and saw nothing but extravagance in all the departments of the Government, civil, military, and judicial. All these departments he considered as going wrong for half a century; and he seemed to think that the people would not be able to maintain their system of government, unless they remodelled it entirely. It was easy enough to proclaim the existence of abuses; but his honorable friend from New Hampshire had failed thus far to suggest any practical remedy for the abuses he had discovered.

This academy, proposed to be abolished by the gentleman from New Hampshire, was an institution recommended by Washington himself, whose military experience was regarded (not only in this country, but by the whole world) with the highest respect. The institution was established under the administration of Jefferson, and every administration since had considered it as a valuable part of the peace establishment. There was another thing, too, not to be passed over; and that was, that every military man, from the time of Washington down, highly approved of this institution, and conceded its necessity. In discussing the subject the other day the gentleman from New Hampshire, (Mr. HALZ,) and a gentleman from New York, not now in his seat, alluded to the academy as an institution established for the benefit of a favored class, who were educated there.

It had been intimated, in the course of this debate, that the Military Academy was a charity school, by which exclusive advantages were given to a few over the great mass; but this, he said, arose in misconception. What was a military cadet? When appointed, he became an officer of the army, and bound himself to that service for a number of years. He was, in some respects, like a midshipman in our navy; and the question was, whether the officers to command our army should receive a fitting education in early life, when the mind was plastic, or whether there should be appointed uneducated men, who, to acquire the ability to execute their important trust, must instruct themselves after their appointment. He discussed, at some length, the propriety and the necessity of giving an early military training to our military officers, and then replied to some objections which had been made to this institution.

The present mode of appointing the cadets from congressional districts, he thought the best that could be devised. It was much better than to vest such appointments in the Executive, in whose hands an accumulation of patronage might be productive of evil. The members of Congress, with whom the appoint-

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ments now rested, would doubtless so exercise their power as to give satisfaction to their constituents; and such a diffusion of patronage gave to every section of the Union a due share of appointments, whereby all extremes were brought together. He read a tabular statement of youths appointed to the Military Academy, to show the classes to which they belonged, and that they were not the sons of the rich and the powerful.

What was the object of an army in time of peace? It was to keep up military discipline. Ours was a mere skeleton of an army, insignificant, indeed, when compared with the standing armies of other nations. He placed great reliance upon the militia of the country; but it was necessary that there should be a higher degree of military science than could possibly be possessed by the militia, in the event of this country being, by an unfortunate concurrence of events, drawn into war with a foreign nation. When abuses were shown to exist in our military establishment, he would be as ready as any one to apply the proper corrective; but his information and personal knowledge led him to form an opinion highly favorable of those officers of the service of this Government, who had received their military education at West Point Academy. He was not prepared to admit that the officers of the army and navy were overpaid, as some gentlemen seemed inclined to suppose. He had never known an instance where a fortune had been accumulated by an officer of either the army or navy. They, in that House, were representing an economical people certainly, but he did not believe that they ought, therefore, to refuse to the officers in the public service such allowance as was necessary to their respectability. The maxim, that in time of peace they should prepare for war, had become in some degree obsolete; but he believed it would be conceded by all that they should always maintain such an establishment as would have a tendency to prevent the occurrence of war.

Mr. SEYMOUR, of Connecticut, rose, and addressed the committee in opposition to the bill. The State of Connecticut, he said—a portion of whose citizens he had the honor to represent—had, by resolution, requested her representatives not only to vote against this institution, but against all appropriations for its continuance. In obedience to that request, he embraced this opportunity to address a few considerations to the committee.

He had noticed that whenever this subject had been under discussion, gentlemen who had spoken in favor of this institution had seen fit, in the same breath, to detract from the merits of the militia of the country. If it were true, as had been more than intimated, that they were undisciplined and unprepared for war, it was because of the unpardonable neglect of Congress itself. For, whilst they could not find in the Constitution of the United States

a single paragraph authorizing the establishment of any such institution as this Military Academy at West Point, they would find abundant authority for arming and disciplining the militia, that right arm of their national defence. He did not believe that there should be a royal highway to military knowledge. The most eminent men which this country had ever produced, had risen from comparative obscurity, and worked out their own education by industry and perseverance.

Mr. S. went on to state his objections to the Military Academy; that it had become an institution for the education of young men for the civil pursuits of life, instead of being what its friends claimed for it—a school for the army. Now, no one would pretend to say that there was any power in this Government to educate men for the duties of civil life. Mr. S. then referred to the official reports of the War Department, giving the number of annual appointments of cadets, the number who graduated, the number who entered into the army, the number of annual vacancies in the army, &c., &c., for the purpose of showing that a disproportionate number of these cadets, after being educated at the public expense, went into the pursuits of civil life. He also referred to the number of resignations of officers during the Florida war, when their services were needed by their country. Mr. S. contended that the institution was unnecessary; and that, if it were abolished, the Secretary of War would have numbers of applicants to fill the annual vacancies in the army, as well, if not better, qualified for the service than the cadets of West Point. The army itself he considered too large, and by reducing it one-half, he would lessen the number of annual vacancies. He saw no necessity of having companies of 60 to 100 men to garrison the forts on the Atlantic seaboard. He was willing that the posts on the great highway to Oregon should have men to garrison them, but he wanted no army on the Atlantic seaboard.

He had another reason for saying that the Military Academy was unnecessary. He would have the vacancies in the commissioned officers of the army filled up from the army itself. How was the army constituted now? An anomaly in free Governments. In civil life, the offices were thrown open to the industrious and meritorious; from the office of a petty justice of the peace to a judge of the supreme court; from a governor of a State to President of the United States, all the offices were open to every citizen who had sufficient merit to fill them; but in the army, the door was closed to promotion; and there was no chance whatever for a private soldier to rise, no matter what his patriotism and abilities might be. Now, he was for having the officers taken from the ranks of the army, the effect of which would be, in the first place, to put a stop to desertion, and improve the recruiting service; and in the second place, they would have what

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they never had before, under the old system—a republican army, in name and in deed, filled up with worthy, enterprising, and patriotic young men. Under such a system, it would be found that some of the best young men in the country would enter the ranks as private soldiers, with this prospect of promotion before them. Again, abolish this government monopoly, and it would be found that the military institutions of the States would furnish a sufficient number of scientific and literary young men, who would be applicants for the commissions in the army; and he believed that there were such institutions in two or three of the States, that would be equal to West Point if they were not kept down in consequence of the money bestowed by the Government on that institution.

He was not disposed (he said) to detain the House on this subject. He would not have said any thing in regard to it in advance of the report of the Military Committee, but would have waited till it came in, had it not been for the instructions of the legislature of his State. Being so instructed, he felt bound to oppose this appropriation; and he would tell the House that if he and those who thought with him failed now, they would not despair. He hoped to see the time when this evil would be corrected. In the State he came from, the opinions he expressed were not confined to one party. Hostility to this institution was felt by the citizen soldiers of all parties, who were unanimous in that feeling. If the time had not yet arrived, he trusted that the day was not far distant when the people would put the seal of condemnation upon an institution so much at war with our republican system of government.

Mr. HUNGERFORD observed, that he only designed to occupy the attention of the committee for a few moments; and as he had offered some amendments a few days ago, which he now intended to renew, his sole object was to bring them to the notice of the committee. If the effect should be to abolish the academy altogether, he should be better satisfied. He had referred to the Army Register for the expenses of this establishment; and he would take the occasion to observe that the way in which that document was made up would be discreditable to a schoolboy.

He quoted some tabular statements, showing the amounts paid to the various officers employed at West Point, and other items of expenditure, and added that, instead of the amount stated a few days since as the sum which each graduate cost the country, it amounted to \$5,000.

Mr. J. R. INGERSOLL proceeded to correct some errors into which gentlemen had fallen who had participated in this debate, and he did so, in many respects, on the authority of a report made by Col. Totten. The horses used at the Military Academy (he said) belonged to the cavalry of the country, and occasioned no ad-

ditional expense, though used for the purposes of the institution. He defended the academy generally, and said there never was an institution which had gone through such an ordeal as that to which this academy had been exposed, that had come out of it better in any respect. The New Hampshire resolutions in relation to this institution (he said) were founded in error. He noticed the changes in the law which required the service of eight years in the army from cadets, and pointed out the gallant service which cadets had rendered in the Florida war, where many were severely wounded; and those that fell, fell Roman like, with their wounds in front and their faces to the foe. He afterwards corrected some errors of statements respecting the supernumerary second lieutenants, who now amounted but to seventy.

A conversation here ensued between several gentlemen on this point. Mr. FISK, however, sustained the statement of the gentleman from Pennsylvania on the authority of the Army Register, with which they had been just supplied.

Mr. J. R. INGERSOLL proceeded; and, in relation to the charge that no person could enter the army as an officer but through the Military Academy, he called upon the chairman of the Military Committee, who had investigated that subject, to say what was the truth on that subject.

Mr. HARALSON read a list of the officers of various grades, by which it appeared that 108 officers were now in the service who had not been to West Point.

Mr. J. R. INGERSOLL then proceeded to notice some remarks made a few days since by Mr. J. BRINKERHOFF.

Mr. J. BRINKERHOFF explained.

Mr. J. R. INGERSOLL contended that there was an absolute necessity for providing a class of well-disciplined and well-instructed persons, upon whom would necessarily devolve the duty of commanding the militia forces, in case of war. Those educated at the Military Academy were well qualified for this duty, as, from the course of instruction they received, they were made acquainted with every variety of service, from the duty of a common soldier to that of a commanding officer of the army.

After the conclusion of Mr. INGERSOLL's remarks, the committee rose, and reported that they had, as yet, come to no resolution.

The House then adjourned.

WEDNESDAY, March 13.

*Independent Treasury.*

Mr. DROMGOOLE, from the Committee of Ways and Means, acting under the authority of a resolution of the House, reported a bill providing for the collection, safe-keeping, transfer and disbursement of the public revenues, which was accompanied by a report. The bill was read twice.

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Mr. D. moved that the bill be committed to the Committee of the Whole on the state of the Union, and that the bill and report be printed.

Mr. M. BROWN moved to lay the bill on the table; and on that, he called for the previous question.

Mr. BARNARD intimated that the minority of the committee might hereafter make a report.

The yeas and nays were then ordered, and taken on laying on the table, and resulted thus:

YEAS.—Messrs. Abbot, Adams, Ashe, Baker, Brinker, Barnard, Milton Brown, Jeremiah Brown, Buffington, Carroll, Causin, Chilton, Clinch, Clingman, Collamer, Cranston, Garrett Davis, Deberry, Dickey, Dickinson, Fish, Giddings, Willis Green, Grinnell, Grider, Hardin, Hudson, Washington Hunt, Joseph R. Ingersoll, Irvin, Jenks, Perley B. Johnson, John P. Kennedy, Edward J. Morris, Morse, Moseley, Newton, Patterson, Peyton, Elisha R. Potter, Preston, Ramsey, Rayner, Rockwell, Rodney, Rogers, Semple, Senter, Severance, Caleb B. Smith, Andrew Stewart, Summers, Thomasson, Tilden, Tyler, Vance, Vinton, Wethered, White, Winthrop, and William Wright—62.

NAYS.—Messrs. Atkinson, Benton, Bidlack, Edward J. Black, Blackwell, Bower, Bowlin, Boyd, Jacob Brinkerhoff, Aaron V. Brown, William J. Brown, Burke, Burt, Caldwell, Campbell, Cary, Catlin, Reuben Chapman, Clinton, Cobb, Cross, Cullom, Dana, Daniel, Richard D. Davis, John W. Davis, Dawson, Dillingham, Dromgoole, Duncan, Ellis, Elmer, Ficklin, French, Byram Green, Hamlin, Hammett, Haralson, Henley, Herrick, Hoge, Hopkins, Houston, Hubard, Hubbell, Hughes, Hungerford, James B. Hunt, Charles J. Ingersoll, Jameson, Cave Johnson, Andrew Johnson, George W. Jones, Preston King, Kirkpatrick, Labranche, Leonard, Lewis, Lucas, Lumpkin, Lyon, McClelland, McClernand, McConnell, McDowell, McKay, Moore, Joseph Morris, Murphy, Owen, Parmenter, Payne, Emery D. Potter, Pratt, Purdy, Rathbun, Reding, Ritter, Roberts, Robinson, Russell, St. John, Thomas H. Seymour, Simons, Slidell, Thos. Smith, Robert Smith, Stetson, John Stewart, Stiles, Stone, Sykes, Taylor, Thompson, Tibbatts, Tucker, Wentworth, Wheaton, Williams, and Joseph A. Wright—100.

So the House refused to lay on the table.

The question recurred on referring it to the Committee of the whole House on the state of the Union, and that the bill and report be printed; which was carried.

On motion of Mr. J. W. JONES,

The House then adjourned.

THURSDAY, March 14.

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On motion of Mr. McKAY,

The House resolved itself into a Committee of the Whole on the state of the Union, (Mr. DROMGOOLE, of Virginia, in the chair,) and resumed the consideration of the bill making appropriations for the support of the Military

Academy for the fiscal year ending the 30th of June, 1845.

The state of the question was this:

Mr. HALE had offered a substitute for the whole bill, providing "that all acts now in force, authorizing the enlistment or employment of cadets in the Military Academy at West Point, after the 30th day of June next, be repealed; and that all such cadets now in service should be disbanded, and dismissed from and after that day."

And Mr. DAVIS, of Indiana, had offered an amendment, in the form of a proviso, that the sum heretofore annually expended in support of the Military Academy be expended under the direction of the Secretary of War, in teaching regular military discipline to the volunteer citizen-soldiery of the several States.

Mr. HAMMETT asked if it would be in order to move to postpone the bill for a few days. If so, he would make that motion, and assign his reasons for it.

The CHAIR said that it would not be in order, but that the bill could be laid aside by general consent.

Mr. HAMMETT observed that, if agreeable to the committee, he would state the reasons why he wished to lay aside the bill for a short time. He thought it must be known to every member of the House, that there was, in all parts of the country, a strong and growing prejudice against the West Point Academy; and that the institution was becoming more and more unpopular every day, in every section of the land. He believed that it could not exist much longer as now organized, and that therefore its friends, as well as those opposed to it, would see the propriety of adopting a different principle in regard to it. The grounds of the objections to this institution were, in the first place, that it required a very large expenditure of money; and in the next place, the small amount of benefit derived from it, especially in times of danger. He would, with the permission of the House, give the outlines of a plan that he would propose for the reorganization of the West Point Academy, and he believed that that plan, or something like it, would meet with the approbation of gentlemen on both sides. His proposition was, that the Government should employ and pay a sufficient number of professors for the institution—the appointments to be made by the Secretary of War; that the school be thrown open to the whole country, and that those who chose to give their sons a military education, should have liberty to send them there, the students paying their own board and tuition fees; but as the professors would be paid by the Government, these tuition fees would be proportionably low. He would propose further, that the Government should give the use of the buildings at West Point to those professors, together with the use of the library, and philosophical apparatus now there; and should also provide arms, ammunitions, &c. He had mentioned this plan (Mr. H. said) to



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several members, and had thought of preparing a bill to carry it out; but fearing that it might not be acceptable, he had adopted this method of offering it, by way of a suggestion to the committee, as a test of the sense of the members in regard to it. If the plan proved acceptable, the bill would be delayed for a few days, in order to enable him to present it in a proper shape to the House; but if otherwise, the committee would show their disapprobation of it, by proceeding with the bill under consideration. He would add, before he took his seat, that one of the members of the Retrenchment Committee had prepared a bill proposing very material changes in the institution; but that bill did not meet his approbation.

Mr. FISH observed that he would not consider a postponement of the bill as a test of the sense of the House in regard to the plan of the gentleman from Mississippi. However that might be, the question was now on making appropriations for the support of the academy, and not on reforming it.

Mr. McKAY hoped his friend from Mississippi would not now press his proposition; but let the bill making appropriations for the support of the academy take its course. He was now, and always had been, in favor of a very material alteration in the organization of this institution. He did not think that the Government should educate more young men than were necessary to fill the annual vacancies in the army. It was beyond dispute, that the number now educated was more than the average annual vacancies in the army required; and hence the number of supernumerary second lieutenants—which he believed was now something like 70, and would be probably 80 more the next year. This, however, did not present the true state of the question. In a single year, in consequence of an order issued from the War Department, that all the officers who were in the civil service of the railroad and canal companies, &c., should join their respective regiments, there were upwards of one hundred resignations. Now, if these resignations had not taken place, the army would have been overloaded with supernumerary second lieutenants. He was for reducing the number of cadets, but at the same time, would make a provision by which parents and guardians should have the privilege of sending their sons and wards there to be educated, at their own expense. This (Mr. McK. said) was the system adopted in Great Britain; and it appeared, by a document he had in his hand, that there were three hundred and twenty gentlemen cadets, and fifteen officers educated at the English Military Academy, at a much less expense than it required to educate two hundred and twenty cadets at West Point. He agreed with much of what had been said by the gentleman from Connecticut, (Mr. SKYMONS,) that it would be an amelioration of our military service, to open the door of promotion to meritorious non-commissioned officers and privates. Under the

present system, no man who was a non-commissioned officer or private, however meritorious, had the least chance of promotion. It was true that there were instances of such men getting commissions, but they were very rare; and the consequence was, that the ranks of the army were filled with some of the worst men in the country, and desertions had prevailed to an enormous extent.

Mr. McK. here gave from the documents, the number of annual desertions, from the year 1880 to 1886, showing an average of one thousand. He would not now, however, enlarge on this subject, but would reserve his remarks till the bill for reorganizing the academy, which he understood was to be reported by the Military Committee, should come in. He wished to make one remark before concluding. It could not, he supposed, be the object of the gentleman from New Hampshire, (Mr. HALK,) to abolish the academy at once. He thought that the young men who were now there should be retained till their educations were completed. And again: what was to become of the buildings! and what was to become of the professors? If a majority of the House was disposed to abolish the institution, he submitted to gentlemen whether it would not be better to do it gradually. Let the young men there complete their educations. Let the appropriations be made for the support of the academy for the present year; and, as was well remarked by the gentleman from New York, if any important reduction should take place, the money would not be drawn from the treasury.

While up, he would further remark that there was an appropriation in the bill of \$15,000 for the building of barracks, which he did not believe would be wanted for the present year, as no plan had yet been adopted for their construction; and he would therefore, when the bill came into the House, move to strike it out.

Mr. C. JOHNSON observed that there was no certainty that the bill to be reported by the Military Committee, which the gentleman referred to, would be reached this session; and he was therefore for effecting a reform, now that the subject was before them. He would, therefore, suggest to the gentleman from New Hampshire to withdraw his amendment, and submit another, to the following effect:

That no money appropriated in this bill, or or hereafter to be appropriated, shall be applied to the payment of any cadet hereafter to be appointed; and the terms of service of those who have warrants now in the academy shall be held to cease from and after four years from the time of their respective appointments.

The limitation of this appropriation now, would put an end to the academy, unless the House would act on the propositions which would be hereafter made. He was satisfied it ought to be abolished, and he would at once abolish it, but for the remarks of his friend from North Carolina; he therefore hoped his friend

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from New Hampshire would adopt the suggestions which had been made.

Mr. EDWARD J. BLACK said all the invective which had been delivered before the House for the last few days against this institution, passed him just as similar invectives against the navy, with which they had been favored, particularly during this session, passed him. He looked upon them as a mere expenditure of threats, made, he presumed, for home consumption, in particular parts of the country. Nothing had been produced there to induce him to vote for the abolishing of this institution, which had heretofore been deemed absolutely necessary to the efficiency of the army. If the chairman of the Military Committee should advise that there were too many cadets at this institution for the benefit of the country and the necessities of the army, he should be prepared to vote for reasonable reductions; but they were told that they must abolish the institution, by way of reforming it; and for this he was not prepared. Of this character were the propositions to reform the state of the army at the last Congress; but after going with the gentleman from Tennessee (Mr. C. JOHNSON) for a *pro rata* reduction of the army, when they got to the second regiment of dragoons, a proposition was made to abolish it. This was reforming with a vengeance, and he should not vote for such "reforms," "Retrenchment," "reductions," and "reform," were words which were very much prostituted in this country.

He proceeded to contend that the Military Academy was necessary to the efficiency of the army; and while he was ready to correct its abuses he was not willing to vote for its destruction; nor was he willing so to "reform" it, as to make it the resort of "gentlemen cadets," alone, to the exclusion of the sons of the poor, though deserving.

Mr. HARALSON—the chairman of the Military Committee—intimated that that committee would propose some reductions in the number of cadets; and when that proposition came before the House, these amendments could be appropriately offered. The proposition would be made to reduce the number of the cadets to the wants of the army. But this appropriation should now be made; and if, by any reductions hereafter made, it should be found more than adequate to the wants of the institution, the balance would remain in the treasury, and would not be lost to the country.

He explained the circumstances under which, in 1836, some persons educated as cadets at West Point became civil engineers, and accepted employment on projected lines of railroad; and asserted that no class of our countrymen were more ready to obey the call of their country, in any exigency which might arise.

Mr. FICKLIN was not satisfied with the reasons which had been given for the perpetuation of this institution, and contended that it was a corrupt and rotten institution, which should be

reformed at once; and for that purpose he hoped the House would withhold this appropriation.

He had listened to the apology or excuse rendered by the chairman of the Committee on Military Affairs, for the cadets who resigned in 1836. And what was that excuse? Why, forsooth, though they had been educated at the Government expense, yet, because they could get better pay by embarking in other pursuits, they deserted the service of the country which had educated them, and prepared them for her service. He did not intend to detain the committee at present, but he must be permitted to say to those who were in favor of winding up the concern, that they ought not to vote an appropriation of a single dollar to that institution, unless the same bill contained a provision, in language as emphatic as it could be made, declaring that this odious, detestable, and aristocratic institution, shall be brought to a close. If it did not cost this Government a single dollar, he would still be unwilling that it should be kept up. He was not willing that the door of promotion should be shut against the honest and deserving soldier, and that a few dandies and band-box heroes, educated at that institution, should enjoy the monopoly of all the offices.

Mr. F. adverted to the present condition of the army. It was filled up, he said, by foreigners. Native Americans, to whom they should naturally look as the defenders of the country, were deterred from entering it. It would be well, he thought, to have a committee of investigation, that the secrets of the prison-house might be disclosed, and its abuses brought to light.

Mr. BLACK inquired whether there was more than one amendment pending, as he was desirous of offering one.

The pending amendment was reported by the Clerk, being the amendment offered by Mr. HALE.

Mr. G. DAVIS rose, and observed that what he intended to say should be very brief. If there were abuses, let them be remedied. He was for reformation not for desolation. He considered this a most important institution, as far as national defence was concerned. He believed there was no nation of Europe which did not possess an institution of this kind; and if such institutions were necessary in Europe, they were more so in this country. If it were desirable to cherish a military spirit in this country, a proper academy of education was indispensable.

Mr. D. took occasion to speak of the services performed by Lieutenant Hanson, of this city, in terms of high commendation.

Mr. BLACK said he desired to offer an amendment protective of the bill, before the amendment of the gentleman from New Hampshire, which was destructive of the bill, was voted upon.

The amendment was read, as follows:

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"Strike out all after 'all,' and insert 'cadets graduated at West Point Military Academy shall, if required, serve in their proper grade as officers in the army of the United States, at least for and during the term of ten years after their respective graduations, unless permitted by the President of the United States to be temporarily absent from such service; and that any and every cadet within the terms of their enactments who shall contravene the same, shall be deemed and held to be a deserter.'"

Mr. HARALSON observed that the amendment was almost precisely similar to the law as it now stands.

Mr. HALE said that the amendment of the gentleman from Georgia would seem to imply that there were not officers enough; whereas the truth was there were more than enough. The difficulty was, there were already too many. The Army Register showed a list already of seventy supernumeraries; and more were being turned out upon us every year. The gentleman from New York had made a most unhappy illustration of the necessity for educating cadets for the army, by comparing them with the midshipmen in the navy. What was the service rendered by midshipmen on board our national vessels? Absolutely none. They were of no sort of use; and precisely so was it with these cadets.

Mr. H. went on to argue that the pay of the officers of the army was too high, and instanced that of a major-general being between 7,000 and 8,000 dollars a year. He also spoke of the allowance of near \$200 a year to each of these supernumerary second lieutenants for servants, which he considered out of place in a democratic republican government. He supposed this allowance of two hundred dollars a year for servants was for them to hand superfluities to these supernumeraries. He denied that General Washington ever recommended a military academy like the present institution; and, if he had done so, he would, instead of proclaiming it, have endeavored to shield his great name from such a reproach.

Mr. McCLELLAND addressed the committee in favor of the Military Academy, contending for its usefulness; and urged, as an argument in its favor, that it had been recommended by every President of the United States, from General Washington down to this day.

He deprecated a course of ultraism, by which, he was of opinion, nothing could be gained for the country; and contended that the education of officers to command our army was as necessary as the education of persons designed for other professions. He defended the institution generally, and highly extolled the characters of the graduating cadets.

Mr. HOLMES hoped the ruthless amendment of the gentleman from New Hampshire would not be adopted; and proceeded to show the advantages of educating even supernumerary officers for our army, as, with their aid, in three months, with as many raw recruits as we

had now disciplined troops, our army might be doubled, and be efficient for the purposes of national defence.

When Great Britain found that we had no army, she heaped upon us insult after insult, until we were driven into a war, all unprepared as we were. And did gentlemen imagine that there was now no danger of war lowering upon us from the north-west? Americans were the promptest people in the world to take measures for war whenever a territory was disputed, let the British lion growl as he might; but they were sadly remiss in the matter of preparation. He deprecated the feelings of hostility which seemed to exist towards the Military Academy at West Point, the benefits and advantages of which he proceeded to set forth at some length.

Mr. WELLER replied to the speech of the gentleman from South Carolina. The gentleman had expressed alarm lest this institution, which had been sustained by the power and patronage of the Government, was now to be destroyed by the wild spirit of democracy, as the gentleman was pleased to say; which amounted to neither more nor less than that it was to be abolished by the same power which created it—viz., the will of a majority.

Mr. W. drew a comparison between the services rendered by those who had been educated at West Point, and those who had served as officers in the army, not having been educated there. He referred, in particular, to the services of General Dodge, of Wisconsin.

The debate was further continued by Messrs. WELLER and WINTHROP; when

Mr. BLACK having withdrawn his amendment,

Mr. CAYE JOHNSON offered as an amendment to the pending amendment, the proposition suggested by him to Mr. HALE, as follows:

"That no money appropriated in this bill, or hereafter to be appropriated, shall be applied to the payment of any cadet hereafter to be appointed; and the terms of service of those who have warrants, now in the academy, shall be held to cease from and after four years from the time of their respective appointments."

And after some further remarks from Messrs. SCHENCK and JOSEPH R. INGERSOLL,

Mr. STENROD moved that the committee rise,

And upon this motion tellers were ordered, who reported 85 in the affirmative, and 50 in the negative.

The committee rose and reported progress.

Mr. CAYE JOHNSON offered the following resolution:

*Resolved*, That all debate on House bill No. 30, "making appropriations for the support of the Military Academy for the fiscal year ending the 30th day of June, 1845," shall cease in Committee of the Whole on the state of the Union within five minutes after the House shall resolve itself into a committee; and that the House will immediately resolve itself

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into said committee, and the committee shall then proceed to vote on all amendments pending, or that may be offered to said bill; and then report the same to the House, with such amendments as may have been agreed to by the committee, unless the same be sooner disposed of.

Mr. GIDDINGS moved that the House do now adjourn.

And upon the question of adjournment tellers were appointed; but before the votes were counted,

Mr. CAVE JOHNSON demanded the yeas and nays, which were ordered; and being taken, resulted—yeas 82, nays 66.

So the House adjourned.

FRIDAY, March 15.

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On motion by Mr. CAVE JOHNSON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. DRUMGOOLE, of Virginia, in the chair,) and resumed the consideration of the bill making appropriations for the support of the Military Academy for the fiscal year, ending the 30th June, 1845, the question being on the amendment of Mr. HALE, as follows:

"That no money appropriated in this bill, or hereafter to be appropriated, shall be applied to the payment of any cadet hereafter to be appointed; and the terms of service of those who have warrants, now in the academy, shall be held to cease from and after four years from the time of their respective appointments."

Mr. E. J. MORRIS, who was entitled to the floor, having only five minutes left, began by expressing his surprise and regret at the hasty manner in which this bill was to be carried through, and said that had he been present, he would have entered his protest against the passage of the bill repealing the distribution act in a similar manner.

The CHAIR reminded the gentleman that the question was on the amendment of the gentleman from New Hampshire, (Mr. HALE.)

Mr. MORRIS said he had a right to enter his protest against the manner in which it was attempted to hurry this bill through. He then went into a vindication of the officers of the army who served in the Florida war, and spoke highly of their gallantry and good conduct. The hour of twelve having arrived, the remarks of Mr. M. were cut short by the Speaker; and the committee, in pursuance of the resolution adopted this morning, proceeded to vote on the pending amendment.

Mr. HALE desired the vote on his amendment to be taken on each branch of the two propositions which it contained; and therefore he intimated his wish to divide it.

The CHAIR said it was not divisible.

Mr. HALE said that, under those circumstances, he would so modify it as to leave the first branch only remaining.

Mr. E. J. BLACK objected to any such modification at this time.

The CHAIRMAN decided that the modification could be made.

Tellers were called for; and Messrs. BURKE and DELLET were appointed to take the vote on the amendment, which proposed to prevent any further appointments of cadets after June next. The amendment was negatived; 54 voting in the affirmative, and 91 in the negative.

Mr. RATHBUN then offered an amendment, to the effect that no cadet should be appointed after the passage of this act.

The CHAIRMAN decided that the amendment was not in order.

Mr. RATHBUN appealed; but the committee sustained the decision of the Chair.

Mr. HOLMES moved that the committee rise and report the bill; which was agreed to.

The committee rose and reported accordingly.

The SPEAKER having taken the chair, stated the question to be on concurring in the amendment of the Committee of the Whole, which was, in fact, a mere transposition of certain words, which did not affect the purport of the original bill.

The amendment was concurred in.

Mr. CAVE JOHNSON offered an amendment by way of a proviso, to be added to the following clause:

"For pay of officers, instructors, cadets, and musicians, fifty-one thousand five hundred and thirty-eight dollars and thirty-three cents."

The proviso was to the effect, that no money hereby appropriated should be paid for any cadet that should hereafter be appointed, and that the term of service of the cadets now at the Military Academy, should cease at the expiration of four years from the time of their appointment. On this he moved the previous question.

Mr. FISH raised a question of order on the reception of the amendment; but he was overruled by the Chair.

Mr. HARALSON proposed to amend the amendment, so as to provide that the following lines be stricken from the bill:

"For continuing the construction of barracks for the cadets, fifteen thousand dollars."

The amendment was adopted by Mr. JOHNSON.

The SPEAKER then put the question of seconding the demand for the previous question; but tellers were called for, and Messrs. DELLET and BURKE were appointed, and they reported 72 in the affirmative, and 67 in the negative.

So there was a second.

The main question was ordered to be put, and the yeas and nays were ordered on the question of agreeing to the amendment.

A division was called for, and the vote was first taken on the proposition of Mr. C. JOHN-

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son; which was negatived—yeas 78, nays 106.

The question then being upon the adoption of the second branch of the amendment, (Mr. HARALSON'S proposition,)

Mr. CAVE JOHNSON said he hoped the call for the yeas and nays would be withdrawn.

The SPEAKER said the demand for the yeas and nays would be considered withdrawn if there was no objection.

No objection was heard, and the question was put; and upon a division, the votes were counted by the Speaker, and stood 77 in the affirmative, and 49 in the negative.

The second branch of the amendment was agreed to.

The question upon the engrossment of the bill was the question next pending; and upon this,

Mr. CAVE JOHNSON demanded the previous question.

Mr. RATHBUN inquired if it was now in order to move an additional clause to the bill.

The SPEAKER replied that it would not, as the previous question had been demanded.

The question upon the engrossment was then put, and carried.

The bill was read a third time; and the question was put upon its passage.

Mr. RATHBUN moved to recommit the bill, with instructions that the committee report the following amendment:

"That no cadet shall be appointed after the passage of this act."

The previous question was seconded; and upon the main question, (viz., shall the bill pass?) the yeas and nays were ordered; and being taken, resulted—yeas 100, nays 67.

So the bill was passed.

#### IN SENATE.

MONDAY, March 18.

#### Oregon Question.

On motion by Mr. ARCHER—

The Senate resumed the consideration of the following resolution, viz:

*Resolved*, That the President of the United States be requested to give notice to the British Government, that it is the desire of the Government of the United States to annul and abrogate the provision of the third article of the convention concluded between the Government of the United States of America and his Britannic Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th October, 1818, and indefinitely continued by the convention between the same parties, signed at London, the 6th August, 1827.

Mr. BUCHANAN said he would go on, this evening, and make the explanation in regard to the treaty, which he had promised to make; and which he would have made yesterday morning, but that he was very willing to yield the floor to the Senator from Massachusetts,

(Mr. CHOATE,) for his explanation. And he would be as brief as possible.

If there was any man in this world who desired to do strict and impartial justice, not only to those at home, but to the British Government, it was himself. And the proposition which he had stated, and which he believed to be able to sustain by proof, was, that the British Government, at the time when they sent Lord Ashburton here to negotiate the treaty—about which he trusted he should never have occasion to say another word—were in possession of a map of such high authenticity, that in the opinion of British statesmen, it would have settled the question at issue between that Government and the United States, and set it at rest for all future time. That they had full knowledge of the existence of this map, was absolutely certain—though he hoped the fact might not be so that the knowledge of the existence of this map was communicated to Lord Ashburton. If he (Lord Ashburton) were to say, at any time, that he was not, whilst negotiator here, aware of such a map being in existence, he (Mr. B.) should implicitly believe his word. But before he proceeded to make further comments, he should beg leave to ask the clerk to read, first, what was said by Sir Robert Peel, and secondly, by Lord Brougham, on this subject. The secretary of the Senate then read from Hansard's Parliamentary Debates the following passage from Sir Robert Peel's speech:

"But there is still another map. Here—in this country—in the library of the late King, was deposited a map by Mitchell, of the date 1753. That map was in the possession of the late King, and it was also in possession of the noble lord, but he did not communicate its contents to Mr. Webster. It is marked by a broad red line, and on that line is written, 'Boundary, as described by our negotiator, Mr. Oswald;' and that line follows the claim of the United States. That map was on an extended scale. It was in possession of the late King, who was particularly curious in respect to geographical inquiries. On that map, I repeat, is placed the boundary line—that claimed by the United States—and on four different places on that line, 'Boundary as described by Oswald.' Now, I do not say that that was the boundary ultimately settled by the negotiators; but nothing can be more fallacious than founding a claim upon contemporary maps, unless you can also prove that they were adopted by the negotiators; and, when the noble lord takes it for granted that, if we had resorted to arbitration, we should have been successful in obtaining our claims, I cannot help thinking that the matter would be open to much discussion. I do not believe that that claim of the negotiators was well founded—that it is a claim which the negotiators intended to ratify. I cannot say, either, that the inquiries which have been instituted since Mr. Sparks' discovery have materially strengthened my conviction either way. I think they leave matters much as they were; and nothing, I think, can be more delusive than the expectation that, if the question were referred to arbitration, the decision would inevitably have been given in your favor, in

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consequence of the evidence of maps, which would not be regarded as maps recognized by the negotiators themselves. And then, sir, with reference to the maps discovered subsequently to the conclusion of the negotiations conducted by Lord Ashburton. The noble lord opposite has stated that his predecessors in office had made all possible inquiry into the matter, and possessed all the elements of information connected with it. Lord Ashburton, then, had a right to draw the same conclusion. He had a right to presume that he was sent abroad in possession of all the elements of information on which a satisfactory conclusion could be come to; and, therefore, the subsequent discovery of the map in Paris, even if it could be positively connected with Dr. Franklin's despatch, would be no ground for the impeachment of the treaty of Lord Ashburton, or for proving that he had not ably and honorably discharged his duties. If blame should fall upon any one, it should fall upon those who have been conducting these negotiations for years."

Mr. B. then forwarded to the secretary's table another volume of Hansard's Debates, from which the clerk read Lord Brougham's remarks, as follows:

"A great charge against Mr. Webster is, that he suppressed the map of Dr. Franklin in the course of the negotiation; and this suppression has been said to savor of bad faith. I deny it. I deny that a negotiator, in carrying on a controversy, as representing his own country, with a foreign country, is bound to disclose to the other party whatever he may know that tells against his own country, and for the opposite party. I deny that he is bound, any more than an advocate is bound to tell the court all that he deems to make against his own client and for his adversary. My noble friend, Lord Ashburton, has been objected to—my noble friend opposite has been blamed for selecting him—because he is not a regular bred diplomatist; because he is not acquainted with diplomatic lore; because he is a plain unlettered man as regards diplomatic affairs; and because he had only the guide of common honesty and common sense, great experience of men, great general knowledge, a thorough acquaintance with the interests of his own country and of the country he was sent to, for his guide in the matters he was to negotiate. But I believe my noble friend has yet to learn this one lesson—that it is the duty of experienced diplomatists, of regular bred politicians, of those who have grown gray in the mysteries of negotiation and the art of statescraft, that when you are sent to represent a country, and to get the best terms you can for it, to lower the terms of the opposite party, and to exalt the terms of your own, as far as may be—you ought first of all to disclose all the weaknesses of your own case—that your duty to your country is something, but that your duty is first to the opposite party, and that you are bound to tell every thing that makes for that adverse party. That is your duty; that is one of those arts of diplomacy which have lain concealed until the present year 1843—one of those principles of statesmanship which it remained for the 6th of Victoria to produce and promulgate, but which were assuredly not quite understood by that old French statesman, albeit trained in the diplomatic school, who

said that language had been conferred upon men by Providence for the purpose of concealing their thoughts. This was a lesson he had yet to learn, this regular bred diplomatist—this practised negotiator. He certainly could not have thought that it was his duty to place a window in his bosom, and let every one see what passed in his mind. But it was the duty, it seems, of my noble friend to tell all, and it was equally the reciprocal duty of Mr. Webster to do the same. It was my noble friend's duty to disclose all that he had found out against the negotiation he went to conduct. That was the new art, the new mystery, the new discovery of 1843; but I find my honorable friend, Mr. Webster, has great authority, and that even if he were wrong, he errs in excellent good company. It does so happen that there was a map published by the King's geographer in this country in the reign of his Majesty George III., and here I could appeal to an illustrious duke whom I now see, whether that monarch was not as little likely to err from any fulness of attachment towards America as any one of his faithful subjects! [The Duke of Cambridge: Hear.] Because he well knows that there was no one thing which his revered parent had so much at heart as the separation from America, and there was nothing he deplored so much as that separation having taken place. The King's geographer, Mr. Faden, published his map 1783, which contains, not the British, but the American line. Why did not my noble friend take over a copy of that map? My noble friend opposite (Lord Aberdeen) is a candid man; he is an experienced diplomatist, both abroad and at home; he is not unlettered, but thoroughly conversant in all the crafts of diplomacy and statesmanship. Why did he conceal this map? We have a right to complain of that; and I, on the part of America, complain of that. You ought to have sent out the map of Mr. Faden, and said, "this is George the Third's map." But it never occurred to my noble friend to do so. Then, two years after Mr. Faden published that map, another was published, and that took the British line. This, however, came out after the boundary had become matter of controversy, *post litum motam*. But, at all events, my noble friend had to contend with the force of the argument against Mr. Webster, and America had a right to the benefit of both maps. My noble friend opposite never sent it over, and nobody ever blamed him for it. But that was not all. What if there was another map containing the American line, and never corrected at all by subsequent chart coming from the same custody? And what if that map came out of the custody of a person high in office in this country—nay, what if it came out of the custody of the highest functionary of all,—of George III. himself? I know that map—I know a map which I can trace to the custody of George III., and on which there is the American line and not the English line, and upon which there is a note, that from the handwriting, as it has been described to me, makes me think it was the note of George III., himself: "This is the line of Mr. Oswald's treaty in 1783," written three or four times upon the face of it. Now, suppose this should occur—I do not know that it has happened—but it may occur to a Secretary of State for Foreign Affairs,—either to my noble friend or Lord Palmerston, who, I understand by common report, takes a great interest in the question; and though he may not

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altogether approve of the treaty, he may peradventure envy the success which attended it, for it was a success which did not attend any of his own American negotiations. But it is possible that my noble friend or Lord Palmerston may have discovered that there was this map, because George III.'s library, by the munificence of George IV., was given to the British Museum, and this map must have been there; but it is a curious circumstance that it is no longer there. I suppose it must have been taken out of the British Museum for the purpose of being sent over to my noble friend in America; and that, according to the new doctrines of diplomacy, he was bound to have used it when there, in order to show that he had no case—that he had not a leg to stand upon. Why did he not take it over with him? Probably he did not know of its existence. I am told that it is not now in the British Museum, but that it is in the Foreign Office. Probably it was known to exist; but somehow or other that map, which entirely destroys our contentions and gives all to the Americans, has been removed from the British Museum, and is now to be found at the Foreign Office. Explain it as you will, that is the simple fact, that this important map was removed from the museum to the office, and not in the time of my noble friend [Lord Aberdeen.]

A very few observations would suffice to make good the first allegation; and that was, that the British Government, at the time of the mission of Lord Ashburton, were in possession of a map of such high authority, of such commanding influence, that it would, according to the language of Lord Brougham, settle the claims of America to the disputed territory beyond all contention. Now, he would advert for two or three moments to the nature and character of this map.

Richard Oswald was the negotiator of the provisional article of peace, signed at Paris on the 30th of November, 1782. He (Mr. BUCHANAN) had compared the provisional article with the adopted treaty, and they were, word for word, and syllable for syllable, and letter for letter, the same; so that the boundaries of the United States were fixed by the provisional treaty, on the 30th of November, 1782. The article contained in the treaty of the 8d of December, 1783, was but a copy. Mr. Oswald was not the negotiator of the treaty of 1783; but it was negotiated by Mr. David Hartley.

It was perfectly well known from history that George III. considered the provinces of the United States as the most precious jewel of his crown. He adhered to them with the grasp of fate; and even when Lord North was willing to close the revolutionary war, and grant this country independence, he (George III.) still persisted in carrying on the war, hoping against hope that he would ultimately be able to subdue the country. He took the deepest and most lively interest in the question; and was it not probable—was it not absolutely certain—that, when Richard Oswald returned from Paris to London, the first, and

most anxious inquiry of his Majesty was, Where is the boundary line of my dominions in America?

George III., as history represents him, was a man probably of narrow prejudices, to a certain extent, but of sound judgment, and personally a sovereign of incorruptible integrity. Those best calculated to judge of his abilities, had spoken of them in the highest terms. Mr. B. referred to an interview between him, Mr. Wesley, and Dr. Johnson. When Mr. Adams, our first minister, was introduced to George III. his reply was characteristic and honorable. He said: "I have been the last man in my dominions to accede to the peace which separates the United States from my kingdom. I will be the first man, now that it is made, to resist any attempt to infringe upon it." In the library of that monarch we find a map; and a map marked according to the testimony of both Sir Robert Peel and Mr. Brougham, so as to give to the Americans all that they claimed.

On this map was marked, in four different places, not "the boundary line of Mr. Oswald's treaty," not of "the treaty of peace between the two countries;" but "the boundary as described by Mr. Oswald." Was it not conclusive? Was it not convincing, either that Oswald himself had described this boundary, or that the boundary was described by some person under his direction?

It was stated by Lord Brougham, from all the information he had received, that this sentence, four times marked along the line, was in the handwriting of George III. himself. Here was the highest and most conclusive evidence: here was the sovereign who had had wrested from him the whole territory the United States, acknowledging, himself, that the boundary line described by Oswald was the boundary between his North American provinces and the United States; and that the description embraced the whole claim of the United States. A document of this kind was absolutely conclusive. It was but a matter of history now, to be sure—nothing more: it could do neither good nor harm. But Sir Robert Peel himself, in this speech of his, declared, after describing the map, that, "indeed, he did not believe the claim of the Government of Great Britain was well founded; that it was a claim which the negotiators intended to ratify."

Sir Robert Peel could do no more than make this acknowledgment, after the high testimony which he had presented to the House of Commons. How was this map removed from the library of George III.? We were told that it was given by his son and successor (George IV.) to the British Museum; and it was traced from the British Museum to the Foreign Office at the time Lord Palmerston was Secretary of Foreign Affairs.

He (Mr. B.) thought it was intimated by his friend from Virginia (Mr. Rives) that there

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was no proof to show that the present ministry of England knew any thing of the existence of this map. Was that possible? Transferred from the British Museum, where it was public, where the eye of some American might be fixed upon it—transferred to the archives of the Foreign Office at the time Lord Palmerston was Secretary of Foreign Affairs—and yet that the successor of Lord Palmerston should not have known of its existence? Why, it was the most important object in relation to the treaty in existence, on the face of the earth; and if Lord Palmerston had had that document removed from the archives of the Foreign Office, it would have been stated in this speech of Sir Robert Peel that such a map had never come to his knowledge, or to the knowledge of the present British minister. He speaks of it throughout as a thing perfectly well known.

It was highly probable—nay, almost certain—that this map found in the library of George III. was the very map from which Mr. Faden, the royal geographer, drew his map of 1783, alluded to by Mr. Peel.

"But there is still another map. Here, in this country—in the library of the late King, was deposited a map, by Mitchell, of the date of 1753; that map was in the possession of the late King, and it was also in the possession of the noble lord; but he did not communicate its contents to Mr. Webster."

That "noble lord" was Lord Palmerston, and not Lord Ashburton. He (Mr. B.) made this correction with extreme pleasure. Whether it would be of any service or not, would hereafter appear.

"It is marked," continued Sir Robert Peel, "by a broad red line; and on that line is written 'boundary, as described by our negotiator, Mr. Oswald,' and that line follows the claim of the United States. That map was on an extended scale. It was in possession of the late King, who was particularly curious in respect to geographical inquiries."

In the face of all that passed in the House of Commons and the House of Lords, it was stated by some anonymous person, in a note to which the honorable Senator from Virginia (Mr. RIVES) had adverted, at the close of a pamphlet in his possession, and which that Senator had kindly given him—that "we have authority for stating that Lord Aberdeen has said that he was not personally aware of the existence of this map until after the conclusion of the treaty; and Lord Ashburton was equally ignorant of it till his return to England." This was said by whom? Had Lord Ashburton said so himself? Had he ever communicated the fact to any one? Had the House of Commons, or any person there, pretended to dispute the fact that the map was in the archives of the Foreign Office when Lord Aberdeen and Sir Robert Peel came into power? It was impossible that such an important document

could have escaped the notice of Lord Aberdeen for more than a year. Lord Aberdeen had never said so himself; and the time to make the declaration would have been when the debate was proceeding in Parliament; and when Sir Robert Peel himself acknowledged that the British Government had no right to the claim which it had set up. It might be that Lord Ashburton was ignorant of the existence of this map. It was possible, but it was scarcely within the limits of the most remote probability. But this same anonymous author (it was not known who he was) says, in a note to this declaration of Sir Robert Peel, that in another report of the debate, Sir Robert Peel did not say that "he did not believe the claim of Great Britain was well founded," &c.

On the other page there was a material difference. Instead of saying the British claim was "not well founded," he says "it was well founded."

But was this note of an anonymous author to be compared with the reports of the debate, published in Hansard's Parliamentary Debates? It was for a man having no responsibility, to make any assertion he pleased; and it was for that reason he (Mr. BUCHANAN) wished to do justice to all parties, that he had refused to make any explanation, until he saw these reports of the debate. He did not know that they were corrected. He supposed they were; but the Senator from Virginia (Mr. RIVES) probably knew. That Senator, acting on his own high sense of honor, had declared that no epithet of language would be strong enough to express the infamy which must attach itself to a Government which could conduct its high diplomatic intercourse in such a manner.

Lord Aberdeen was sitting by Lord Brougham, when he (Lord B.) made his speech, and was appealed to more than once by Lord Brougham. He (Mr. BUCHANAN) agreed with the Senator from Virginia as to the immorality of such a transaction; but he did not think that it deserved such severe censure; and therefore he had stated the simple fact as he understood it; and made use of no epithet whatever to characterize it. He left it to the Senate to draw their own conclusions; but did not the Senator (Mr. RIVES) perceive, that this severe term—if it were true that Great Britain was in possession of this map—applied now to that Government!—that he had been casting the strongest censure upon them? He agreed with the Senator from Virginia, that diplomacy in modern times was much fairer than it was in ancient times. He did not agree with Lord Brougham in the opinion advanced by that statesman—that it was not immoral in any Government having conclusive evidence in their possession that their claim was unjust, to prosecute that claim to the very point of applying the match to the cannon. According to this system of diplomacy, the negotiator stood precisely in the condition of a lawyer towards his client. The



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negotiator is bound in no case to show his hand. He expressly stated—and a most eccentric gentleman Lord Brougham was—that he denied that the negotiator, in carrying on a correspondence with a foreign country, was more bound to disclose to the other party whatever he might know against the claim of his own Government, than an advocate at the bar was to disclose any thing that would make his case appear in a bad light. Now, in the opinion of Lord Brougham, if Lord Ashburton had had this map in his pocket, he would have been obliged to conceal it, as a lawyer would be obliged to conceal unfavorable testimony; and while he (Mr. BUCHANAN) agreed with the Senator from Virginia (Mr. RIVES) in condemning the concealment of such evidence, yet, according to Lord Brougham, it was perfectly justifiable, and it would be absurd to make the fact known. He should not repeat what that statesman had said upon the subject, because it had already been read. Lord Brougham came out as strong as Sir Robert Peel, and admits that a production of this map would have ended all controversy in future, on the subject of this claim. Was Lord Ashburton acquainted with the existence of this map? That he was not the "noble lord" referred to by Sir Robert Peel, he (Mr. B.) freely and frankly admitted; but would it not require a mantle of charity broader than ever was bestowed upon any man, to believe that the British Government, being in possession of this map—the map itself being in the foreign office—would (contrary to the opinions of Sir Robert Peel and Lord Brougham) send Lord Ashburton here, entirely ignorant of its existence? that they would have sent him here without a copy of the map? The original, he supposed, was so precious that it would not have been permitted to be taken from the Foreign Office. The thing was possible. Lord Ashburton's character might have been so high that they were afraid to trust a man of his honor with a knowledge of the fact. He (Mr. B.) believed, from what he knew of Lord Ashburton, that he was a man of the highest character, and might have acted according to the mode indicated by the Senator from Virginia—that was, he exhibited his testimony. It would have satisfied his own conscience that the British had no title to the territory in dispute. It was possible Lord Ashburton was ignorant of the fact. He hoped it was so; and if ever it should appear to be so, nay, if Lord Ashburton himself should ever declare it to be so, he (Mr. B.) would rise instantly in his place in this Senate, take his own word for it, and do him most ample justice. In the mean time, he (Mr. B.) declared most solemnly that he hoped it was so. There was a sentence, however, in Sir Robert Peel's speech which says that Lord Ashburton "had a right to presume that he was sent abroad in possession of all the elements of information on which a satisfactory conclusion could be come to, and therefore the subsequent discovery of the map in Paris, even

if it could be positively connected with Dr. Franklin's despatch, would be no ground for the impeachment of the treaty of Lord Ashburton, or for proving that he had not ably and honorably discharged his duties."

Now, Lord Ashburton was present—he presumed he was—in the House—

[Here Mr. RIVES and other Senators said the Senator from Pennsylvania was mistaken. Lord Ashburton was not present at the debate.]

It made no difference. He undoubtedly saw the debate in the papers next morning; if he were not present on the evening of the debate, perhaps he was the first man who examined it. If the British Government had sent him abroad, ignorant of the existence of this most important document, and imposed upon him the difficulty of making this treaty, would he not have declared at once his ignorance of its existence? would it not have concerned his honor, to make this declaration to the whole world? He (Mr. B.) was afraid, however, that his lordship entertained the same views with regard to the duty of a negotiator as were entertained by Sir Robert Peel in the House of Commons, and Lord Brougham in the House of Lords—that it was not the duty of a minister to produce any evidence weighing against the title of his Government, however unfounded that title might be; and it was for this reason that he had studiously avoided applying any epithets. He had presented nothing more than facts to the Senate. It appeared to him a very strange discussion in the Senate of the United States, and he was very sorry for it; but it appeared indispensable to him to make this explanation. If the Senator from Virginia (Mr. RIVES) could convince the Senate that Lord Ashburton was ignorant of the existence of this map, he (Mr. B.) was not aware that it would afford any man more pleasure than himself to acknowledge it.

Mr. RIVES understood the Senator to say the other day, that, having made a charge implicating the character of Lord Ashburton, he would examine the authenticated report of the debates in Parliament, and if he found the charge unfounded, he would make the necessary correction. But what was now the fact? After examining and producing to the Senate the authentic report of the debates, and having failed to establish the charge; having, in fact, shown that there was not the slightest proof that Lord Ashburton had any knowledge, much less possession of the map,—instead of making the correction promised, the Senator tried to sustain the charge by throwing the negative proof on Lord Ashburton himself. The Senator merely argued that this map being in possession of the British Government, it was almost impossible that it would not be communicated to Lord Ashburton—coming here to settle the matter by treaty. He assumes a possibility, or probability, and throws the proof negatively on the person so charged.

Mr. B. referred to the report of the Senator's

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speech in the *Intelligencer*, and quoted passages from it, alleging that Lord Ashburton had in his pocket a copy of the map, found in the library of George III., at the very time he was negotiating for a territory he must have known he was not entitled to claim. Mr. R. also dwelt on the Senator's reliance upon statements made by Lord Brougham, without considering the spirit and intention with which they were made, or the circumstances that gave rise to them. The spirit of the whole debate in both the House of Commons and House of Lords, showed that it was to counteract Lord Palmerston's arraignment of Sir Robert Peel for letting himself be overreached by Mr. Webster, that the retort was thrown back upon Lord Palmerston, that he himself had, when in office, acted as Mr. Webster was alleged to have acted in reference to the map, found by Mr. Sparks in Paris. The conduct of Mr. Webster had been held up as an evidence of bad faith, before the House of Commons and the world, in not having produced the map found in Paris by Mr. Sparks; and the object of Sir Robert Peel in the House of Commons, and of Lord Brougham in the House of Lords, was to show that the charge of bad faith (if there was any in matters of such diplomacy) was as applicable to one side as to the other.

Mr. R. then proceeded to show that the whole tenor of Lord Brougham's remarks was ironical; his design being to bring home to the door of Lord Palmerston, the accuser of Mr. Webster, the fact that he had been guilty of the very same thing that he charged upon Mr. Webster. The drift and spirit of Lord Brougham's argument went to show that the removal of the map to the foreign office was not in the time of Lord Aberdeen's being in office, but during the time Lord Palmerston himself was in office.

He (Mr. R.) was surprised that the Senator from Pennsylvania, finding the debates did not sustain his charge, had not frankly avowed his mistake; and he was still more surprised to find that, after the Senator had himself produced evidence that his charge could not be maintained by the source he made it from, he should throw the negative proof on Lord Ashburton, of denying that he had any knowledge or possession of such a map.

He (Mr. R.) was not the sponsor of Lord Ashburton. He stood up as the vindicator of the dignity and generosity of the Senate in relation to what emanated from it, touching a distinguished functionary of another Government, who had, during the term of his diplomacy here, as well as upon all suitable occasions elsewhere, shown himself to be entitled to the utmost courtesy and respect.

The Senator from Pennsylvania, however, seemed to consider the conclusion inevitable, that the British Government being in possession of the map found in the library of George III., it was impossible Lord Ashburton could have been sent here to negotiate a treaty, in relation

to which that map would be conclusive, without being made acquainted with the fact, and being furnished with the map itself, or, at least, a copy of it. Now it was plain to every one, that important documents might be in the archives of our departments here, without the fact of their existence being known to persons coming into office, or being considered necessary towards effecting an object which was to be attained on other grounds than documentary evidence. The negotiation for the treaty of Washington did not turn upon a strict adherence to the long-disputed positions taken by the two Governments as to the line intended by the treaty of 1788. It was understood to be a matter of compromise, and that experience had shown it could be settled in no other way.

Mr. R. here entered into some minute details, showing the particular points which the negotiators considered most important to settle. From all he had read and heard of the map found in the library of George III., he felt convinced it was similar to Mr. Jay's map; and he proceeded to show that the only point it proved for the claim of the United States, was that of the highlands. And with regard to other points of the boundary line, it told as much *for as against* Great Britain. It would give more territory east (south and north of the St. John's) to Great Britain than the whole of the territory surrendered to her by the treaty of Washington. But, in reference to the map so much talked of, did not Sir Robert Peel, in the very speech quoted by the Senator, say that no reliance was to be placed on any map as evidence of the boundary line, unless it could be proved that it was the identical map made use of by the negotiators who agreed upon the boundary line?

He (Mr. R.) denied that there was the slightest proof that the map found in the library of George III. was the map which had been used by the negotiators who had fixed upon the boundary line of 1788. He also denied that there had been adduced the slightest proof that the map was known to or in possession of Lord Ashburton at the time he was carrying on the negotiation for the treaty of Washington. Gentlemen on the other side had contended that there was; but they had utterly failed in the evidence they relied upon; for when that evidence came up and was candidly examined, it was found to bear no such inference as they had supposed.

Mr. BUCHANAN was really desirous of being done with this business, and he should say but very few words about the Ashburton or Washington treaty. As to its merits or demerits, he had already said all he ever intended to say. His vote against it, and his speech on the occasion, were before the world, and he was willing to stand the test before that tribunal.

Whether this map, found in the library of George III., was identical with the map of Mr. Jay, it was impossible for him to say. The Senator from Virginia (Mr. RIVES) was, he

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believed, as ignorant as himself as to what that map really was. He discussed it on the supposed knowledge of an identity between these maps, of which there was no proof. Now, what he (Mr. B.) had set out with, he had conclusively established; and that was, that the British Government were in possession of a map which, according to the acknowledgment of Sir Robert Peel, gave the United States all they claimed, and he (Mr. B.) presumed he knew what the United States did claim. There was also the declaration of Lord Brougham, that this map did not leave the British Government a leg to stand upon; and that it could have completely settled all questions in dispute in favor of the American claims. The Senator from Virginia (Mr. Rives) had attempted to conclude—with what success he (Mr. B.) would leave to the Senate—from notes of an anonymous writer, that Lord Aberdeen had said to somebody, that neither he nor Lord Ashburton knew of the existence of that map; and he (Mr. R.) asked him (Mr. B.) if he were Secretary of State, would he be bound to know all the maps laid away in the lumber room of the State department? In answer to that, he would say, that if he were negotiating a treaty, it could not be supposed he would remain entirely ignorant of a map coming from the library of George III., with the authority of two distinguished statesmen, that it settled the dispute, and gave conclusive proof of the truth and justice of the matter to be adjusted. It might be so; but that there was the least probability that Lord Ashburton could be ignorant that this map was in existence when preparing to come to this country, with all necessary documents, was a question hardly admitting of rational belief.

The Senator from Virginia had said that he was disappointed that he (Mr. B.) had not, with his accustomed frankness, acknowledged that his charge was not sustained by the debates he depended upon as proof. Now, he had fully established, by reference to the accredited report of the debates in Parliament, every thing he had stated, to the full extent of what he believed to be the truth; and if, in the conclusions he had drawn, he had used any expression unauthorized, he had shown himself ready to correct it. He had said in express terms, that "the noble lord," who it was universally believed in this country was Lord Ashburton, alluded to in the parliamentary speech quoted, was not Lord Ashburton, but Lord Palmerston. What more could the Senator from Virginia desire? He (Mr. B.) had stated it twice. Any one would have supposed the allusion was to Lord Ashburton. He had never seen the official debates till the other evening; and when he had read them, he at once came forward to do justice to Lord Ashburton in this particular. The Senator from Virginia, however, complained that he (Mr. B.) argued upon the probability that Lord Ashburton must have known of the existence of this map. He (Mr. B.) wished to

Heaven he could state that he believed Lord Ashburton did not know of its existence. To suppose he did not, was to suppose the British ministry sent him abroad to make a treaty, without furnishing him with the most important documents for making the treaty; and, in the face of this presumption, we hear both Sir Robert Peel and Lord Brougham—one on the floor of the House of Commons, and the other on the floor of the House of Lords—ridicule the idea that there would have been any want of morality in concealing from another Government evidence of this kind. Lord Brougham turns into contempt any other policy in diplomacy but that which should govern a lawyer towards his client.

The Senator from Virginia and himself (Mr. B.) agreed that this was wrong and immoral. But on the floor of both Houses of Parliament the doctrine had been maintained. It was solemnly stated in the one that no such obligation was imposed on a negotiator as to disclose facts in his possession; while the idea of such a disclosure was ridiculed in the other.

He (Mr. B.) did not know whether Lord Ashburton would have felt himself bound to conceal this map, acting on the principle avowed by Sir Robert Peel and Lord Brougham; but from what he knew of him personally, and by character, he had so much regard for his word, that notwithstanding the testimony is almost conclusive against him on this point, if Lord Ashburton shall say he had not possession or knowledge of this map, when he was negotiator here, he (Mr. B.) would at once give freely his faith and belief to what he should say.

Mr. Rives had only to say, that, if the Senator from Pennsylvania was satisfied with the position in which he had placed himself, he (Mr. R.) was content to let the matter rest there.

Mr. SEMPLER did not rise to make a speech, but to suggest that such disposition of this resolution be made as, for the present, would not render it necessary to take a test vote, either on the question of reference to the Committee on Foreign Relations or to lay it on the table. He proposed to move to postpone the further consideration of the subject till the second Monday in April.

## HOUSE OF REPRESENTATIVES.

FRIDAY, March 22.

*Slave Representation.*

Mr. DROMGOOLE, from the Select Committee on the Resolutions of the Legislatures of Virginia and Alabama, on the proposed amendment of the constitution, so as to prevent slave representation, which was suggested by resolutions from the legislature of Massachusetts, made a report, accompanied by several resolutions, on which he called for the yeas and nays, and demanded the previous question. He said the committee had drawn a short report only because

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their desire was to secure a vote of the House for or against the proposed amendment of the constitution, so that the country might know whether the vote of this House would sanction the change, or tend to preserve the constitution. There was nothing in it harsh or unkind to the legislature or the people of Massachusetts.

The Select Committee report that the committee have maturely considered the proposition of the General Assembly of Massachusetts, to amend the Constitution of the United States, by apportioning representatives and direct taxes according to the whole number of free persons, excluding Indians not taxed, and also the three-fifths of all other persons now embraced in the determination of federal numbers. This proposition is strongly and unanimously condemned by the General Assembly of Virginia, and is regarded, in truth, as a proposition virtually to dissolve the Union. The committee, believing that the basis of representation and direct taxation, as regulated in the constitution, was the result of a spirit of concession and compromise which was indispensable to the union of the States, and to the formation and ratification of that constitution as ordained and established, are of opinion that the proposed alteration of the compromise would produce a peaceable or violent dissolution of the Union. The committee, anxiously desirous of preserving the constitution in its pure meaning, as formed by the convention, and ratified by the States, and confidently believing that such is the deliberate sense of the States and of the people thereof, with very rare exceptions, are of opinion that no such proposition as that of the General Assembly of Massachusetts ought to be recommended by Congress, or favored in the least degree. The committee therefore report, and recommend to the adoption of the House, the following resolutions:

*Resolved by the House of Representatives of the United States,* That the rule established in the constitution as the basis of representation and direct taxation, resulting from a spirit of concession and compromise essential to the formation and preservation of the union of the States, ought to be held sacred by the friends of the Union.

*Resolved,* That no proposition to alter or amend the constitution in relation to representation and direct taxation among the States, ought to be recommended by Congress, but that every such proposition ought to be promptly and decisively condemned.

MR. ADAMS said he did not expect that such a course would have been pursued by the gentleman from Virginia, or that it would receive the sanction of the House.

THE SPEAKER intimated that the question was not debatable.

MR. ADAMS said he merely wished to ask the gentleman from Virginia to permit him to move the reference of the report and resolutions to the Committee of the Whole on the state of the Union, and that a day be fixed for its discussion.

MR. DROMGOOLE said he could not withdraw his motion for such a purpose, for it would lead to the very thing that the committee was desirous to avoid.

MR. WINTHROP moved a call of the House.

MR. ABBOT rose and stated that, though one of the Select Committee, he had not been notified of its meeting; and he wished the House, therefore, to understand that the report had not received his assent.

MR. DROMGOOLE explained. Being at the head of the committee, he procured a list of the members appointed, and placed it in the hands of one of the pages of the House with a notice—which he read—notifying the members of the meeting of the committee. All the members were notified but three, two of whom had gone home, and the other (MR. ABBOT) was sick, so the gentleman would see why the report did not receive the unanimous assent of the committee.

The question was then put upon the motion for a call of the House, and negatived.

The demand for the previous question was seconded; and the question then being, "Shall the main question be now put?" was carried—yeas 118, nays 51.

The yeas and nays having been ordered at the instance of MR. DROMGOOLE, the question was taken and decided in the affirmative, as follows:

YEAS.—Messrs. Anderson, Ashe, Barringer, Benton, Bidlack, Edward J. Black, James A. Black, Blackwell, Bower, Bowlin, Boyd, Jacob Brinkerhoff, Brodhead, Milton Brown, William J. Brown, Buffington, Burke, Burt, Caldwell Campbell, Cary, Carroll, Oatlin, Chappell, Chilton, Clinch, Clingman, Clinton, Cobb, Coles, Cranston, Cross, Cullom, Dana, Daniel, Garrett Davis, Richard D. Davis, John W. Davis, Dawson, Dean, Deberry, Dellet, Dickinson, Dromgoole, Dunlap, Ellis, Elmer, Ficklin, Fish, Foster, French, Byram Green, Hale, Hamlin, Hammett, Haralson, Hardin, Harper, Hays, Henley, Herrick, Holmes, Hoge, Hopkins, Houston, Hubard, Hubbell, Hughes, Hungerford, Washington Hunt, James B. Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jameson, Jenks, Cave Johnson, Andrew Johnson, George W. Jones, Andrew Kennedy, John P. Kennedy, Preston King, Kirkpatrick, Labranche, Leonard, Lucas, Lumpkin, McCauslen, MacLay, McClelland, McClelland, McConnell, McDowell, McKay, Edward J. Morris, Joseph Morris, Moseley, Murphy, Nes, Newton, Owen, Parmenter, Payne, Peyton, Elisha R. Potter, Emery D. Potter, Preston, Purdy, Ramsey, Rathbun, David S. Reid, Reding, Relfe, Rhett, Ritter, Robinson, Russell, St. John, Sample, Saunders, Schenck, Senter, Thomas H. Seymour, Simons, Simpson, Slidell, Albert Smith, John T. Smith, Thos. Smith, Caleb B. Smith, Robert Smith, Spence, Steenrod, Stephens, Stetson, Andrew Stewart, John Stewart, Stiles, Stone, Strong, Summers, Sykes, Taylor, Thompson, Tibbatts, Tucker, Tyler, Vance, Vanmeter, Vinton, Wethered, Wheaton, White, Williams, Woodward, William Wright, Joseph A. Wright, and Yost—158.

NAYS.—Messrs. Abbot, Adams, Baker, Jeremiah Brown, Dickey, Giddings, Grinnell, Hudson, Perley B. Johnson, Daniel P. King, McIlvain, Marsh, Morse, Rockwell, Rogers, Severance, Tilden, and Winthrop—18.

So the first resolution was adopted.

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The question recurring on the second resolution,

Mr. CLINGMAN called for a division.

Mr. HUNT, of New York, asked that the question be taken on that part of the second resolution previous to the word "Congress."

The SPEAKER said that the question was not now divisible.

Mr. HUNT asked leave of the House to have the word "rejected," substituted for the word "condemned," in the resolution.

The SPEAKER said that the proposition could not be entertained.

The question was then taken, and resulted, as follows:

YEAS.—Messrs. Anderson, Ashe, Barringer, Benton, Bidlack, Edward J. Black, James Black, Blackwell, Bowlin, Boyd, Jacob Brinkerhoff, Brodhead, Milton Brown, William J. Brown, Burke, Burt, Caldwell, Campbell, Cary, Chappell, Chilton, Clinch, Clinton, Cobb, Coles, Cross, Cullom, Dana, Daniel, Garrett Davis, Richard D. Davis, John W. Davis, Dawson, Dean, Deberry, Dellet, Dickinson, Dromgoole, Ellis, Elmer, Ficklin, Foster, French, Willis Green, Byram Green, Hale, Hamlin, Hammett, Haralson, Hardin, Hays, Henley, Herrick, Holmes, Hopkins, Houston, Hubard, Hubbell, Hughes, Hungerford, James B. Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Jameson, Cave Johnson, Andrew Johnson, George W. Jones, Andrew Kennedy, Preston King, Kirkpatrick, Labranche, Leonard, Lucas, Lumpkin, McCausen, Machay, McClelland, McClelland, McConnell, McDowell, McKay, Joseph Morris, Murphy, Newton, Owen, Payne, Peyton, Elisha R. Potter, Emery D. Potter, Pratt, Preston, Purdy, Rathbun, David S. Reid, Reding, Relfe, Rhett, Ritter, Robinson, Russell, St. John, Saunders, Senter, Thomas H. Seymour, Simpson, Slidell, Thomas Smith, Robert Smith, Spence, Steenrod, Stephens, Stetson, John Stewart, Stiles, Stones, Strong, Summers, Taylor, Thompson, Tibbatts, Tucker, Vance, Vanmeter, Wentworth, Woodward, Joseph A. Wright, and Yost—127.

NAYS.—Messrs. Abbot, Adams, Baker, J. Brown, Buffington, Carroll, Catlin, Collamer, Cranston, Clingman, Dickey, Flah, Giddings, Grinnell, Harper, Hudson, Jenks, Perley B. Johnson, John P. Kennedy, Daniel P. King, Mollivaine, Marsh, Morse, Moseley, Nes, Farmer, Rockwell, Rogers, Sample, Schenck, Severance, Albert Smith, Caleb B. Smith, Sykes, Tilden, Tyler, Vinton, Wheaton, White, Williams, and Winthrop—41.

So the second resolution was adopted.

#### IN SENATE.

MONDAY, March 25.

#### *The Compromise Act—The Tariff.*

On motion of Mr. EVANS, the Senate resumed the consideration of the resolution reported from the Finance Committee, for the indefinite postponement of the bill introduced by Mr. McDUFFIE for the reduction of the rate of duties under the present tariff to the standard of the compromise act.

Mr. BERTON then spoke as follows:

Mr. President: Our confederacy has existed above fifty years under our present form of

government; and during every year of that time we have had tariff laws in operation, but with very different effect upon the public mind. During the first half of this time, there was universal satisfaction throughout the Union with these laws: during the second half of it, they have given great discontent to one-half the Union. The period of satisfaction began with the beginning of the Government, in the year 1789, and continued down to the end of the late war with Great Britain: the period of discontent began in the year 1816, and continues to the present day. A difference so great in its effect upon the public mind, implies a great difference in the character of these laws during the two periods, and naturally throws the mind back to the contemplation of this difference, and to the consideration of the causes which produced it.

The implication is not erroneous. The tariff laws of the two periods are, in fact, essentially different, and were framed with different views, and constitute opposite systems. The laws of the first period had revenue for their object, and protection of home industry for their incident; the laws of the second period have protection for their object, and revenue for their incident. And the provisions of the acts under the two systems were framed accordingly: moderate duties, fairly assessed upon actual values and real quantities, characterized the legislation of the first period: high duties, fictitious valuations, and prohibitory minimums characterized the second.

The striking difference which we find in the legislation of the two periods, is, *first*, in the amount of the duty imposed; and, *secondly*, in the mode of assessing or computing it. The amount of the duty is vastly increased during the second period, and the mode of its computation is arbitrarily arranged to increase that amount. Before the war, the duties, whether specific or ad valorem—whether on the quantity or on the value—were moderate in amount, and fairly assessed on the actual value, or actual quantity: since the war the duties have often been exorbitant in amount, and then made more exorbitant in the collection, by calculating them, in some instances, on the arbitrary assumption of a fictitious minimum valuation.

The cause of this difference in the character of our tariff laws is found in the fact mentioned by the Senator from South Carolina, (Mr. McDUFFIE.) Politicians and capitalists have seized upon the subject, and worked it for their own purpose—the former for political advancement—the latter for pecuniary profit. The tariff has become a question of politics and money—of partisan politics and sectional enrichment; and the result has been to fill the Union with the agitation and discontent which has afflicted it for twenty-five years.

The harmony of this Union, Mr. President, is something! It is a great and desirable object, as pleasant to contemplate as it is useful to enjoy. Who is there among us old enough to

remember it, who does not recollect the harmonious days, so far as the tariff was concerned, which we enjoyed during the first twenty-five years of our national existence, when nobody knew we had a tariff but those who read the statutes? Who is there old enough to remember it, who does not regret the loss of the times when the word tariff was never pronounced, and when, in respect to these laws, the mass of our population was in the happy condition of Molière's country gentleman, who had talked prose all his life without knowing it? I, for one, remember those times, and wish to return to them. I wish to return to the harmony and tranquillity, with respect to the tariff, which prevailed among us during the first half of our national existence; and, with that view, have been carefully studying the legislation of that period for the purpose of seeing what there was in it, if any thing, to prevent our returning to it, and enjoying again the tranquillity which it then produced. I have studied that legislation, and studied it in all candor, with this view; and I am free to say that I see no difficulty in returning, not to the letter, but to the object and structure of those good old laws, and drawing from them again the same happy consequences which they formerly shed upon the Union.

I take it for certain that the act now in force is not to stand; that either at the present session, or after another general election, it will be essentially changed. It was not passed as a permanent act. Several of those who voted for it, and without whose votes it could not have passed, declared at the time that they took it as a temporary measure—as a measure which they disliked—but which they accepted for the time from motives of expediency. [Here Mr. WHEAT, to whom Mr. B. looked, nodded assent.] I voted against it, and with the full conviction that I should soon vote upon it again, and under better auspices. Whether the auspicious time for this voting has arrived, I do not undertake to decide. Certainly the auspices are not at all in our favor. The session of Congress before the holding of a presidential election is not the favorable session for beneficial legislation. A President without a party, two parties without a President—the Senate one way, the House of Representatives another way; the President free trade, and the cabinet mixed;—these elements, taken altogether, compose a very heterogeneous mixture, and present an aspect not at all favorable to the enactment of wholesome laws, or the application of healing remedies to the disorders of the State. I even doubt whether a cool discretion would recommend any attempt to settle the tariff question at this session. I speak of settle, in contradistinction to discuss. I believe in the virtue of discussion—temperate, enlightened discussion—directed to the intelligence, and to the moral sense of the community; in that point of view, I am of opinion that the senator from South Carolina (Mr. McDUFFIE) has done well to

bring on the present debate: but discussion is one thing and settling the question is another. I do not think that the present is the time to settle the question. Besides our discordant and heterogeneous condition, so unfavorable to harmonious action; besides the danger of miscarriage from this source, there is another tribunal which has jurisdiction of the subject, and is now occupied with it, and whose decision will be paramount to ours. The question itself is now on trial before the great areopagus of the people! and must have its solution from that tribunal before we meet again. The presidential election involves the fate of the tariff, and to that fate a future Congress will have to conform, be our action now what it may. Now, as in the year 1832, the fate of the high tariff is staked in the person of its eminent champion—its candidate for the presidency of the United States. That champion was defeated then, and his system with him; and he may be defeated again. If he shall be, we shall settle the question with more harmony and equity, and with a better chance for stability than at the present time: if not, all that we may do now, may soon be reversed. Seeing this, and that all we do now, if we do any thing, must be imperfect and provisional, I very much doubt the policy of attempting to settle the tariff question at the present session. I am in favor of discussion, but doubt the practicability, at this time, of judicious and stable legislation. This is my opinion, but others think otherwise; and I yield to their wishes. Discordant as all the departments of the Government now are, and on the eve, as we are, of a presidential election, I expect nothing perfect from our attempts at legislation on this subject. On the other hand, miscarriage and defeat, under such circumstances, will inspire me with no despair. I look forward to the next Congress to settle this question—to settle it according to the will of the people—and, accordingly, to settle it with some chance for the durability and permanency which is so essential to the successful prosecution of every branch of business.

The question is then presented: Shall we proceed to remodel the tariff act of 1842? I answer, yes!—saving to the House of Representatives its constitutional right over the initiation of revenue bills. I do not argue that question. I neither argue it, nor conceal my opinion upon it. I deem it sufficient, on the present occasion, to say that, in all cases of doubtful jurisdiction between the two Houses, my rule is to solve the doubt in favor of the House which, by the constitution, is charged with the general subject. Taxation and representation go together. The burdens of the people and the representation of the people are put together. The immediate and full representation of the people is in the House of Representatives, and to that House the constitution has confided the origination of all bills for raising revenue. Is the bill which is now before

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us a bill for raising revenue? I think it is. At all events it is a question of doubt: and in that case, I defer to the jurisdiction of the House which is charged with the general subject.

The proposition before us is, in terms, to restore the compromise act of 1833, but in substance to substitute revenue duties for protective duties. The author of the proposition (Mr. McDuffie) has spoken his sentiments upon it; and, from the tenor of all that he has said, I comprehend that he goes for revenue duties, without regard to their form—that he is not wedded to the horizontal line—the uniform ad valorem of 20 per centum upon all articles without regard to their character, but that he admits of discriminating duties, and of different rates of duty, according to the nature of the article.

[Mr. McDuffie nodded assent.]

This being the case, I flatter myself that we shall be of accord with respect to the remedy as well as in regard to the evil. I was not in favor of the compromise act when it passed; I am not in favor of attempting to revive it. It presents an issue which is wrong in itself, and upon which we cannot go to trial—that of one uniform rate of duty upon all articles without regard to their nature or character. I am for discriminating between articles of luxury and necessity, and for making luxuries pay highest. I am for discriminating between articles made at home, and not made at home; and placing the highest revenue duty upon the foreign rivals of our own productions. In a word, am for going back to our old legislation on this subject—to the system before the war; not to the precise terms of any one of the acts, but to the principles and structure, the objects and the incidents of the whole. They were all modelled upon the same plan. All took revenue for their object; all admitted incidental protection; all discriminated between luxuries and necessities; and none of them admitted false assumptions of value by minimum valuations. They were all equally free from the abuse of minimum valuations on the one hand, and the arbitrary levelling of the horizontal principle on the other. I am for returning to this system, with the single limitation that no duty, whether specific or ad valorem, shall exceed a maximum of 80, or 83½ per centum. In returning to this ground, or rather in remaining upon it, (for it has always been my doctrine,) I find myself standing upon the ground of the first twenty-five years' action of our Government, and sustained by the sanction of the highest free-trade authorities which the tariff discussions have brought to light. I allude to the South Carolina legislative report of December, 1828—to the Philadelphia free-trade convention address of 1831, and to the Virginia democratic convention address of 1839. Each of these high authorities, and at the recent dates mentioned, and in their extremest opposition to protective tariffs, admitted the principle and the policy of discriminating duties, and of incidental pro-

tection. Here is what each of them has said, and first of South Carolina. The report of her legislative committee, remonstrating against the tariff act of 1828, says:

"Every instance which has been cited, may be fairly referred to the legitimate power of Congress to impose duties on imports for revenue. It is a necessary incident of such duties to act as an encouragement to manufactures, whenever imposed on articles which may be manufactured in our own country. In this incidental manner, Congress has the power of encouraging manufactures; and the committee readily concede that, in the passage of an impost bill, that body may, in modifying the details, so arrange the provisions of the bill, as far as it may be done consistently with its proper object, and to aid manufactures. To this extent Congress may constitutionally go, and has gone from the commencement of the government; which will fully explain the precedents cited from the early stages of its operation."

The free trade convention says:

"They admit the power of Congress to lay and collect such duties as they may deem necessary for the purposes of revenue; and, within these limits, so to arrange these duties as, incidentally, and to that extent, to give protection to the manufacturer."†

The Virginia convention says:

"It may happen, if a wise policy prevails, that our manufacturing brethren of the North and West will be content with such incidental protection as will be afforded by duties laid to supply the constitutional wants of the Government."‡

This is what was said by these eminent free-trade authorities on these recent occasions; and I shall not pretend to comment upon their admissions. They are explicit upon the grounds of discrimination and incidental protection. They quote and admit by name, the system of our tariff legislation before the late war—that system under which the country was so long tranquil and happy, and to which I am now for returning. They admit by name, discrimination for protection. The compromise act did the same in effect. The raising the duties on coarse woollens and common blankets, by that act, from 5 per cent. to 50, to come down in nine years to 20, was for protection during that time. Home valuations and cash duties were to aid manufacturers. A long list of free articles, used by manufacturers, was for the same object. Protection was granted by the act; and the declaration against it, and in favor of revenue duties only, was a direction for future legislation, and did not prevent the compromise itself from granting protection.

\* Messrs. Gregg, Wardlaw, Legare, Preston, A. P. Hayne, Elliott, and Barnwell Smith, the committee.

† Two hundred and fifty delegates present, of which 51 from Virginia, 16 from North Carolina, 41 from South Carolina, 6 from Georgia, 11 from Alabama, 1 from Mississippi, 3 from Maryland, 15 from Pennsylvania, 31 from New York, 1 from Rhode Island, 3 from Connecticut, 18 from Massachusetts, 1 from Maine.

‡ St. George Tucker, president of the convention, Messrs. Brockenbrough, Randolph, Harrison, Young, Narbonne, Nicholas, Dromgoole, and Opté, secretaries.

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I am for returning to the old legislation, not that I would copy any one statute in particular, but would conform to the plan and object of the whole. These statutes admitted of duties of various degrees, but all of them moderate in amount, and strictly calculated for revenue purposes. They admitted of duties on the quantity (specific) as well as on the value, (*ad valorem*;) and when on the value, they admitted of no minimums to falsify the real value and to augment the duty. They admitted of discriminations between articles of luxury and articles of necessity, and very properly made the former pay highest while many of the latter were free—as salt in the time of Mr. Jefferson, or at the low rate of five per centum—as coarse woollens and common blankets, and other articles used by the laboring community. The specific duties, under these statutes, rarely exceeded a fourth or a third of the value: the *ad valorem*s ranged from five to fifteen, with a temporary addition of two and a half per centum, to equip some small vessels to protect the Mediterranean commerce from the depredations of the Barbary Powers. To this system of duties, and this mode of levying them, I am in favor of returning, with the single qualification that, in no case, shall any duty, either specific or *ad valorem*, exceed one-third of the value—83½ per centum; and with the full belief that the average of the whole will not be equal to the uniform twenty per centum of the compromise act. To the consumer, this maximum, and this average, should be satisfactory; to the manufacturers, it will be great and ample protection. To him, it should be also satisfactory. He will get the benefit of the highest duty; or it comes within the principle of the old system, to put the highest duties upon the foreign rivals of our own productions, as well as upon luxuries: he will get the benefit of this duty, which will give him 50 per centum protection. I say 50; for 30 per centum duty is 50 per centum protection! the expenses of importation (7½ per cent.) and the importing merchant's profit (12½ per cent.) going into the price of the goods as well as the duty, and being just as effectual for protection as if inserted in the law. This, with the cardinal consideration of stability, should be satisfactory to the manufacturers.

This is our issue—the old system against the new; and upon this issue we can safely go to trial before the country. For it is not sufficient to have a good cause and good arguments: you must have the right issues, or you may be defeated in spite of your good cause and good arguments. The compromise is not the right issue or the safe one. In levelling all duties to one uniform line—in disregarding the distinction between luxuries and necessities, and between articles made or not made at home—in doing this it disregards a distinction founded in the nature of things—a distinction maintained in all previous legislation—admitted most recently by the extremest free-trade authorities—and too accordant with the sympathies of mankind to be

obliterated by statute. We cannot make the issue upon that act, but upon the old system of revenue duties and incidental protection with discrimination between luxuries and necessities, and between articles made or not made at home. We are not to make war upon manufactures: we do not do it. They were once as popular in the South as in the North, and may become so again. The abuses of the high protective system have destroyed their old popularity in the South: eradicate the abuse, and they will again be popular in every part of the Union. Manufactures are among, not only the useful and ornamental, but the noblest arts of the country. Every statesman will cherish them, and honor the skill and industry which perfects them, if left free to follow his own inclinations. Abuse only—the conduct of politicians and millionaire capitalists—have made them enemies. Separate the real manufacturers from these two classes—be content with ample incidental protection—and universal good-will will again attend them, greatly enlarging the extent of their market, and the list of their customers.

This is our issue—the old system against the new. And what can be the objection to returning to the old one? None that cannot be instantly and satisfactorily answered. I undertake to say, that under the old system every interest connected with the imposition of duties was on a better footing than under the new; that agriculture, commerce, and the revenue from customs, were all larger in proportion to our population, and more free from fluctuations—that manufacturers themselves were advancing faster than any other interest, and faster than they had ever advanced in any other country in the world; and that the whole country, so far as the tariff was concerned, was happy and tranquil; and continued so until ambitious politicians and millionaire capitalists seized upon the subject for their own selfish purposes. These, Mr. President, are bold assertions, but not more bold than true, and as easily proved as uttered. I have the proof in hand; and as I love to deal in proof when I have it, I shall proceed immediately to the work.

#### 1. The revenue from customs.

My assertion is, that the income from customs was larger, population considered, and more free from fluctuation, under the low duty system before the war, than under the high duty since. In maintaining this assertion, I take the time of the first period from 1789, when this Government first went into operation, to the year 1808, when the British orders in council, and the decrees of the French emperor, and our own embargo, broke up our commerce and deranged or destroyed our income from that source. I leave out the period of the embargo and of the war with Great Britain, as belonging to neither system. I take from 1790 to 1808: and what was our income from customs during that time? It was from four and a half to near sixteen millions and a half of dollars. And what was our population during the



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same time? From four millions to seven millions. The revenue then commenced at the rate of about one million of dollars to one million of people, and rose gradually to near two and a half millions of dollars to one million of people. So much for the first period; now for the second. Beginning with the year 1817, which was the first under the operation of the new system, and the revenue, commencing at twenty-six millions of dollars, fell as low as ten, rose again as high as thirty, fell again as low as twelve, thirteen, and fourteen millions, and for the last year was about seventeen and a half. Our population at the same time was from nine to eighteen millions; so that, at the best, the product of the high duties never rose higher than two and a half millions of dollars to one million of people, often fell as low as three-quarters of a million of dollars for a million of people, and is now at the rate of a million for a million! In other words, that the rate of product is exactly the same now, when duties average more than 50 per cent, that it was in the first year of Washington's time, when the average was one-fourth of that sum! and twice and a half less than it was in the last year of Mr. Jefferson, when the average of duties was not a third of what it is now. And here let it be remembered that the wars of the French revolution had nothing to do with our revenue. They increased importations, but not consumption. Duties were only paid on what remained in the country for consumption; the large amounts re-exported paid nothing.

I have prepared tables, Mr. President, of the annual income from customs, with a note of the population, during each period into which I have divided our financial history. These tables will illustrate my positions in detail, and more fully and completely than can be done in general statements. They will enable every Senator, and every individual who sees them, to make the comparison for himself, and will sustain to the uttermost all that I have said of the superior productiveness of low duties over high. These are the tables:

*First table: Low revenue duties, from 1791 to 1808.*

Years.	Population.	Income.
1791	4,000,000	\$4,809,478
1792	—	3,443,070
1793	—	4,225,306
1794	—	4,501,085
1795	—	5,588,461
1796	—	6,567,987
1797	—	7,549,640
1798	—	7,106,061
1799	—	6,610,449
1800	5,300,000	9,080,982
1801	—	10,750,778
1802	—	12,488,235
1803	—	10,479,417
1804	—	11,098,505
1805	—	12,933,487
1806	—	16,667,698
1807	—	15,845,522
1808	7,000,000	16,363,550

*Second table: High protective duties, from 1817 to 1843.*

Years.	Population.	Income.
1817	9,000,000	\$26,283,848
1818	—	17,176,385
1819	—	20,283,608
1820	9,638,000	15,005,612
1821	—	13,004,447
1822	—	17,559,761
1823	—	19,088,433
1824	—	17,878,325
1825	—	20,098,713
1826	—	23,341,331
1827	—	19,712,233
1828	—	23,205,523
1829	—	22,681,965
1830	12,866,000	21,922,391
1831	—	24,224,441
1832	—	28,405,237
1833	—	21,488,753
1834	—	14,797,782
1835	—	13,458,111
1836	—	21,552,272
1837	—	26,325,639
1838	—	13,315,129
1839	—	15,373,238
1840	17,000,000	20,560,439
1841	—	10,159,339
1842	—	15,789,173
1843	18,500,000	17,500,000

These, Mr. President, are the tables of the income under the two systems; and now let us examine them, and compare them together. Look first upon this picture, and then upon that! See the annual income from 1791 to 1808: see the largeness of the amount for the smallness of the population, the freedom from fluctuation, and the steadiness of the increase. Beginning at four and one-third millions, rising gradually, never varying more than a million in a year, and attaining in seventeen years the extraordinary amount of near seventeen millions of dollars, and that for only seven millions of people. Now look upon the other picture. Beginning in the year 1817, with twenty-six and a quarter millions of dollars, it falls the very next year to seventeen millions! and the year after rises to twenty and a quarter millions! tumbles down the next year to fifteen millions! and the year after tumbles again to thirteen millions! being an actual fluctuation of thirteen millions out of twenty-six in five years! All the rest of the period is about in the same proportion. Twice in twenty years the income got up as high as it was in 1817: twice again it fell to 17—twice to 15—twice to 13—once to 10—and is now at 17½—which is near ten millions less than it was in the year 1808! This is bad enough: but to show off this period in proper contrast, a third table is necessary—a table showing at one view the actual income received, and the amount that ought to have been received during the same period, according to the increase of population, and according to the rate of the income during Mr. Jefferson's administration. This third table has been prepared, and here it is:

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*Third table, showing what ought to have been received from customs under the protective system to have been equal to the receipt under the revenue system:*

Years.	Population.	Actual receipts.	Should have been.
1817	9,000,000	\$26,288,848	\$22,500,000
1818	—	17,176,885	
1819	—	20,288,608	
1820	9,638,000	15,005,612	24,000,000
1821	—	18,004,447	25,000,000
1822	—	17,559,761	
1823	—	19,088,488	
1824	—	17,878,825	
1825	11,000,000	20,098,718	27,000,000
1826	—	28,841,881	
1827	—	19,712,283	
1828	—	23,206,523	
1829	—	22,681,965	
1830	12,866,000	21,922,391	31,500,000
1831	—	24,224,441	
1832	—	28,405,237	
1833	—	21,488,753	
1834	—	14,797,782	
1835	15,000,000	18,458,111	37,500,000
1836	—	21,552,272	
1837	—	26,325,839	
1838	—	13,815,129	
1839	—	15,373,238	
1840	17,000,000	20,660,489	42,500,000
1841	—	10,159,389	48,000,000
1842	—	15,789,178	
1843	18,500,000	17,500,000	46,250,000

According to this table, Mr. President, which I have made out with great care, it will be seen that in 1817, when our population was nine millions, the income was 26½ millions instead of 22½, which it should have been: that in 1820 it was 15 millions instead of 24; and in 1821 it was 18 millions instead of 25; in 1825, instead of 27 millions, it was 20; in 1830 it was 22 millions instead of 27; in 1835, we had 18½ millions instead of 37½—being just the one-half of the product of 1817! In 1840, we had 20½ millions instead of 42½; in 1841 it was 10 millions instead of 48; and in 1843, with a population of 18½ millions, we wound up with 17½ millions of dollars instead of 46½!

These tables speak a language which cannot be misunderstood, and they place in the strongest contrast the working of the two systems during the two periods: the beauty and advantages of one, and the deformities of the other, standing out in the boldest relief. In the first period, amplitude of amount, steadiness of the product, and regularity of the increase, strike every beholder. In the second period, all this is reversed: confusion and madness seem to reign in our treasury. Sometimes millions too much—then not half enough. Sometimes surpluses to be distributed—then deficits to be supplied. Giving away one day—begging or borrowing the next. Always a feast, or a famine—never the right thing. Our poor treasury becomes a balloon—sometimes soaring above the clouds—then dragging in the mud—now bursting with distension—now collapsing from depletion.

The miseries of the high duty system we have all seen and felt, and now see and feel, in the deplorable condition of our finances—a debt of near thirty millions created—loans to defray current expenses—four times a resort to treasury notes—and now an illegal and fraudulent issue of a paper money currency. Compared to the termination of the low duty system at the end of Mr. Jefferson's administration, and how does it stand? As confusion, misery, and deformity stand to order, beauty, and happiness. Mr. Jefferson's administration required an expenditure nearly equal, and population considered, more than double what we require now; and the customs produced all that was wanted, and to spare; for the lands produced but little. The interest and principal of the debt of the revolution was then to be paid; the interest of the Louisiana purchase had to be met; a war with the Barbary Powers had to be kept up; a military peace establishment, larger than the present in proportion to our population, was kept up; and the revenue for all this expenditure, amounting to seventeen or eighteen millions of dollars, came from the customs, with a population of only seven millions, leaving every year a real surplus in the treasury. But let Mr. Jefferson himself present this picture. He presented it to the two Houses of Congress in his last annual message, and never was a time more fit to look at it again than the present. He said:

"It is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands, and interest incurred, to pay two million three hundred thousand dollars of the principal of our funded debt, and left us in the treasury on that day near fourteen millions of dollars. Of these, five million three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three million five hundred and eighty thousand of the principal of the funded debt; being the whole which could be paid or purchased within the limits of the law and of our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus."

Such, Mr. President, was the working of the low duty system—ample and steady revenue—no loans, no taxes, no paper money—83 millions and a half of public debt paid in eight years—a surplus of 14 millions left in the treasury—the result not of lands exchanged for paper, but the regular result of steady revenue, strict economy, and hard money. How different from the state of things under the high duties of the present day? Instead of paying above thirty millions of public debt in eight

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years, we have created near thirty millions in four years; instead of a surplus in the treasury, there is a deficit; loans and taxes are the order of the day; and, to crown all, we have an illegal and fraudulent issue of federal paper-money currency, issued by executive power, and sustained by bank alliances. Such is the difference between the working of the two systems after twenty-five years' trial of each!

Upon this view of the question, I submit, Mr. President, that I have made good my first assertion, and demonstrated the superiority of low duties over high ones, in all that relates to good and wholesome revenue, the amplitude of its amount, the steadiness of the supply, the regularity of the increase.

2. I proceed to the next assertion—the superiority of low duties over high ones, in relation to their effect upon agriculture and foreign commerce. These two interests, in our country, go together, and the state of one is a good index to the other. The exports make the imports, and agriculture is at the bottom of the whole. The tables of exports and imports for the two periods which we contrast, will show how agriculture and commerce fared during the continuance of these periods, and to these tables I now have recourse. And here I will premise that I fully understand the nature of our neutral position during the wars of the French revolution, and the effect which that neutrality had in promoting imports for re-exportation. We re-exported much from 1791 to 1807, and have re-exported exactly as much from 1817 to 1844! Mexico, South America, and the West Indies, have opened new markets for our re-exportation; and it is a fact, proved by the custom-house returns to be the same. Five hundred and twenty millions of dollars are, as near as I can ascertain from the most careful research, the amount of re-exportations for each period; so that in a comparison of the foreign trade in each period, they may either be both omitted or both included, as the speaker pleases. Finding them included in the tables, I choose to use them in that way. The table of revenue has already settled the question in favor of the large amount of foreign goods which remained in the country for consumption. Duties were only paid on the amount so remaining; and a revenue of sixteen or seventeen millions of dollars from customs, with the low duties then paid, show that the importations for home consumption were greater then than now.

I will now show the tables of exports for these two periods; and they will be found (each in its place) to be characterized by the same features which distinguish the corresponding revenue—the same large amount, steady progress, and regular increase in one period—the same excesses and deficiencies, risings and fallings, and violent fluctuations in

the second. Here is the table of the first period:

*Table of foreign and domestic exports from the United States from 1791 to 1807.*

Years.	Exports.	Population.
1791	\$19,012,041	4,000,000
1792	20,753,096	
1793	26,109,572	
1794	33,026,283	
1795	47,080,472	
1796	67,064,097	
1797	56,850,206	
1798	61,527,097	
1799	73,865,522	
1800	70,971,780	5,800,000
1801	94,115,925	
1802	72,453,160	
1803	55,800,038	
1804	77,899,074	
1805	95,566,021	
1806	101,536,963	
1807	108,343,150	7,000,000
1808	Embargo.	

Observe, Mr. President, the regular and onward course of our exports during this period—always advancing, always increasing. Beginning in 1791 at twenty millions of dollars for four millions of people, they advance gradually and regularly to one hundred and eight millions in the year 1807, for seven millions of people. This table shows every thing that is desirable in a regular, flourishing, and prosperous commerce. Now let us look upon the next one. Behold it:

*Table of foreign and domestic exports from the United States, from 1817 to 1843.*

Years.	Exports.	Population.
1817	\$87,671,569	9,000,000
1818	98,281,183	
1819	70,142,521	
1820	69,691,669	9,688,000
1821	64,974,332	
1822	72,160,281	
1823	74,699,030	
1824	75,886,657	
1825	99,535,368	
1826	77,595,322	
1827	82,324,829	
1828	72,264,680	
1829	72,858,671	
1830	73,849,508	12,868,000
1831	81,310,583	
1832	87,176,943	
1833	90,140,433	
1834	104,336,973	
1835	121,693,577	
1836	123,663,040	
1837	117,419,373	
1838	108,486,616	
1839	121,028,416	
1840	133,835,946	17,000,000
1841	121,851,303	
1842	104,691,534	
1843	—	18,500,000

Here we have it again, sir! The counterpart of the income from customs during the

same time: the same plunging and floundering, the same incessant and violent fluctuation. Commencing at eighty-seven millions of dollars in 1817, for nine millions of people, these exports sank as low, in 1821, as sixty-four millions of dollars for ten millions of people. Then they swell up to ninety-nine millions; then fall back to seventy-two millions; then dart up to one hundred and thirty-two millions, and fall back, in 1842, to one hundred and four millions. At this amount they now stand, being about the same they were at in 1808, when the population of the country was little more than the one-third of what it is at present, when the cultivation of the country was not more than a third of the present cultivation, and when the great article of cotton (now amounting to two-thirds of our exports) was but a small item in the list of exported articles. Taking these circumstances into consideration, and the decline of agriculture, and of the foreign commerce founded upon it, becomes appalling. Leaving out cotton, and the agricultural exports are less now than they were in 1808. They then amounted to forty-eight millions; they only amount to about one hundred millions now, of which cotton is nearly two-thirds.

Such is the general view of our agriculture and commerce under the high duty system, and under a tariff incessantly altered for political and mercenary objects. It presents a deplorable picture of their decline; not only of their decline, but of their ruinous revulsions and convulsions. Viewed in detail, and in relation to its effect on particular articles, and the miserable picture becomes still more deplorable. Thus: The rice exportation, in Mr. Jefferson's time, was at an average of two and a half millions of dollars per annum; it has since fallen as low as one and a half per annum, and it is now under two millions. Flour, in 1807, was exported to the value of eight and a quarter millions; under the high tariff it has fallen as low as three millions; has been under five millions for half the time since 1817, and is now at seven and one-third millions. Indian corn and corn meal were exported to the value of two and a half millions annually, under Mr. Jefferson's administration: in one-half the years under the new system, this export has been less than one million of dollars, and it is now not equal to what it was forty years ago. Wheat, in 1807, was exported to the amount of 776,000 bushels. From 1817 to the present time, the export of this grain has only once risen as high as 400,000 bushels; has twenty times been under 100,000, and four times has been less than 5,000 bushels. Tobacco has shared the general fate of other agricultural products, and that without any attempt at excuse; for people use as much of that weed in peace as in war, and in idleness as in labor; yet it has shared the same fate as the rest. Thus, in the first year of General Washington's administration,

(fifty-four years ago,) the export of this article was 101,000 hogheads; the next year it was 112,000; yet, under the high-duty system, this export has repeatedly gone down to 60,000 or 70,000 hogheads, and is now at only about 150,000. To be equal to what it was in Washington's time, would require an export of 400,000 hogheads; for our population has increased four-fold since that time. Thus, viewed in the gross, or in the detail, the result is the same—agriculture and foreign commerce, as well as revenue, have been sacrificed for the last twenty-five years, and it is time—high time—that these great interests should be restored to the flourishing condition which they enjoyed in the first half of our national existence. High tariff, political tariffing, and their kindred abuse, (excessive banking,) have done this mischief; and it is time for these evils to cease.

I protest against the mode, sometimes pursued here, of comparing isolated years against each other—the imports, or exports, or revenue—of one or two years with those of one or two other years. All such comparisons are fallacious, as much so as it would be to examine through a microscope a brick or a stone from two different buildings, and then judge of the whole from such microscopic observations of small parts. Systems against systems—periods of time against periods—is the only safe mode of comparison; and in that mode I compare the high duty with the low duty system. The comparison has been found immeasurably to the benefit of the latter, and will continue to be found so if followed from general views to detail—from public to private affairs. Individuals have suffered as much as the Government in the last twenty-five years. Their business also has partaken of the ups and downs—the flights and falls—of the treasury and of commerce. All business has been deranged—expansion one day, contraction another—now a man dealing in hundreds of thousands, then bankrupt!—then coming to Congress for relief laws or to the Executive for office; and losing the dignity of home independence by this humiliating appeal to the Government for support. All has been brought upon us by high tariff. The same cause which deranged the treasury of the Union—which gorged it one day, and starved it another—this same cause deranged the business of individuals: and, if there is any extenuation for the humiliating spectacle of the crowds who come to the Federal Government for the means of subsistence, it is in the fact that vicious legislation has brought them to that degradation. The two periods which I have contrasted are the general picture, and the Government picture of which the detail is in the people. In the first period all was happy and prosperous; the people were doing well, and were contented; and consumed, when only seven millions of souls, as much foreign goods as the then low rates of duty, as gave sixteen millions of rev-

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enue to the Government: now the many are impoverished to enrich the few; and eighteen millions of people, at the present high rates of duty, pay no more revenue into the treasury than was paid thirty-four years ago by seven millions. Why this difference? Because the people are poor and distressed now, and their affairs all deranged, like the treasury: and formerly they were rich and happy, and their affairs, like the then treasury, prosperous and regular. The two tables of revenue which I have produced are the key to the exports and imports—a key to the condition of the country—a key to the condition of the people: and in the order, plenty, and regularity of one, and the disorder, fluctuation, and confusion of the other, you see all that has happened publicly and privately in the two periods of time, and under the two systems, which I have been comparing together, or rather contrasting against each other.

After this exposition, Mr. President, of our exports under the protective system, it is hardly necessary to trouble the Senate with any detailed view of our imports during the same period. They are obliged to partake of the same character, and such is the fact. They have risen as high as one hundred and ninety millions; they have fallen as low as sixty-four millions; and they have plunged and floundered backwards and forwards at all amounts between these two wide extremes. They are now at about one hundred millions, which is less than they were thirty years ago.

And here, sir, I put this branch of the case, with the confident conviction that I have made good my second assertion, and proved that agriculture and commerce not only did better under the old system than under the new; but that they flourished in the highest state of prosperity then, and have been sunk to the lowest state of depression since.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 25.

*Gold Dollars.*

Mr. McKAY, on leave, and in pursuance of notice given, introduced a bill to authorize the coinage of one dollar gold pieces at the mint of the United States and its branches: read twice, and referred to the Committee of the Whole on the state of the Union.

*Gen. Jackson's Judicious Tariff.*

Mr. J. P. KENNEDY offered the following resolution, and called the previous question:

*Resolved*, That this House approve and adopt the following opinions, as expressed by General Jackson, in his letter to Dr. L. H. Coleman, of Warrenton, North Carolina, dated April 26, 1824, to wit: That lead, iron, copper, hemp, and wool, "being the great materials of our national defence, they ought to have extended to them adequate and fair protection, that our manufactories and laborers may be placed in a fair competition with those of

Europe, and that we may have within our country a supply of those leading and important articles so essential to war," that we have been too long subject to the policy of British merchants; and that it is time we should become a little more Americanized, and instead of feeding the paupers and laborers of England, feed our own; that "a careful and judicious tariff" is necessary "to pay our national debt, and afford us the means of that defence within ourselves on which the safety of our country and liberty depend; and last, though not least, give a proper distribution to our labor, which must prove beneficial to the happiness, independence, and wealth of the community."

Mr. WINTHROP moved that the resolution be laid on the table.

Upon this motion the yeas and nays were demanded and ordered; and being taken, resulted—yeas 19, nays 119.

So the resolution was not laid on the table.

Mr. KENNEDY renewed his demand for the previous question; and the vote on seconding the demand was taken by tellers, and resulted thus—61 in the affirmative, and 86 in the negative.

The previous question was not ordered.

Mr. W. J. BROWN moved the following amendment, and demanded the previous question:

*Resolved*, That this House approve of the sentiments of Henry Clay, expressed in his speech at the extra session of Congress, 1841, as follows: "Carry out the principles of the compromise act. Look to revenue alone for the support of government. Do not raise the question of protection, which I hoped had been put to rest: there is no necessity for protection."

Mr. DROMGOOLE inquired whether the subject would not go over, in consequence of a proposition to amend having been made.

The SPEAKER replied, that the previous question having been demanded, if that demand were seconded, it would bring the House to a vote first upon the amendment, and afterwards upon the original resolution.

The question was then put upon seconding the demand for the previous question, and the votes being counted there were—100 in the affirmative, noes not counted.

There was a second.

The main question was then ordered to be put, being upon the adoption of the amendment; and upon this question, the yeas and nays were demanded and ordered; and being taken, resulted thus—yeas 82, nays 84.

So the amendment was rejected.

Mr. HARALSON, on giving his vote for the amendment, said he wished it understood he did not attribute its language or sentiment to Mr. Clay.

## IN SENATE.

TUESDAY, March 26.

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Mr. BENTON resumed, in continuation of his remarks of yesterday. He said:

8. I proceed, Mr. President, to my third assertion, which applies to manufactures, and asserts their prosperity before the late war, and before the protective system was invented. It is a great mistake to suppose that they have grown up under that system: they were well established, and flourishing before that system was dreamed of; and of this I have the highest evidence in my hand.

It is known that the Congress of the United States directed the census returns of the year 1810 to include the state of our manufactures, and that these returns, though very imperfect, from the fear which many people had that a scheme of ulterior taxation was intended, still showed that this branch of our national industry had attained a high degree of importance. The aggregate of the returns, palpably defective as they were, amounted to one hundred and twenty-seven millions of dollars, and were computed at near two hundred millions. The total omission of returns from many places, and the imperfect returns from others, induced Congress to prosecute the inquiry which they had commenced; and on the 19th day of March, 1812, a joint resolution was passed by both Houses, and approved by the President, directing the Secretary of the Treasury, Mr. Gallatin, to have the returns digested and perfected. For this purpose, Mr. Gallatin employed Mr. Tench Coxo, of Philadelphia, an eminent advocate for manufactures, a writer for twenty-seven years in their favor, and the gentleman whose opinions on this subject were lately presented by Mr. Webster, at a public meeting, in a way to pass them for those of Dr. Franklin. Mr. Coxo completed his task with great labor and care. He took two years to verify his statements, and produced an authentic work, from which I will now read the extracts which will sustain my assertion.

Mr. B. then read from Mr. Coxo's report, page 53 of the introduction, as follows:

"In the course of the numerous and diversified operations, occasioned by the deliberate execution of this digest and statement, constant and very close attention has been applied to those facts which have occurred throughout the Union since the autumn of the year 1810, from which a judgment of the condition of the manufactures of the United States for the current year 1813 might be safely formed. It has resulted in a thorough conviction that, after allowing for the interruptions to the importations of certain raw materials, the several branches of manufactures in the States, Territories, and districts, have advanced, upon a medium, at the full rate of twenty per centum; which would give an aggregate for this year of \$207,000,000.

\* \* \* But as it is best to make ample allowances for some manifest repetitions of articles, which are inextricably involved in the subordinate returns, a sincere and well-reflecting final opinion is respectfully offered, that the whole people of the United States, taken in 1813 at eight millions of persons, will actually make, within this year, manu-

factured goods (exclusively of the doubtful) to the full value of two hundred millions of dollars."

Here (said Mr. B.) are two great facts stated; *first*, that manufactures were then actually advancing at the rate of 20 per centum per annum; *second*, that the actual value of manufactures then amounted to two hundred millions of dollars per annum. Contemplate these facts within themselves, and the flourishing condition of the manufacturing interest, which they announce is great and striking. Twenty per centum of annual increase, and two hundred millions of annual product, in a population of eight millions, is an astonishing result for a young country. Compare it with other interests, and with population. Population was only increasing at the rate of three per cent. per annum, and required twenty-five years to double; foreign commerce was only increasing at a moderate rate, and required twenty years to advance from twenty millions to one hundred millions, and is only now where it was above thirty years ago. Agriculture, though advancing steadily in its exports in the first half of our national existence, has since declined in all its ancient staples. Yet manufactures were already at two hundred millions of annual product, and advancing at the rate of twenty per cent. per annum, before the protective system was invented—before politicians had taken it into their heads to become their patrons!

But Mr. Coxo does not stop at these statements. He makes his case still stronger by comparison—by comparing the state of American with that of English manufactures, at the nearest proximate point of time and amounts of population. He shows that the manufactures of England, (not of Great Britain, but of England proper,) with a population of eight and a half millions, and just before the formation of our constitution, was only two hundred and sixty-six millions!—a mere fraction beyond our own, with eight millions of people, before the protective system was established. But hear him for himself. Let him speak for himself. Let this enlightened and disinterested champion of the cause deliver his own facts in his own words. At page 52, he says:

"Some confirmation of this view of our national operations, mercantile and manufacturing, may be drawn from the facts, that, in the years of general peace and prosperous and regular commerce—from 1785 to 1787—the average exports of England, (alone,) with about 8,500,000 inhabitants, amounted to seventy millions of dollars, while their manufactures were computed at two hundred and sixty-six millions of dollars."

This, Mr. President, is a most astonishing approximation. The English had been pushing their manufactures from the time of Edward III.—full five hundred years—and had only reached the product of two hundred and sixty-six millions of dollars to eight and a half millions of population. We had been letting ours

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alone with the advantage they possessed in their three thousand miles distance from their European rivals—in their incidental protection under revenue duties—in their advantages of cheap provisions, light taxes, hard money, and free action under equal laws. We had been letting our manufactures alone with these real and great advantages, and they were already nearly equal in amount to those of England, after five hundred years of governmental protection.

But let us continue the reading; let the witnesses speak. At page 10 of the introduction, Mr. Coxe says:

"Machinery is now in actual operation in the United States for printing cotton and linen cloths by engraved rollers of copper, moved by water. Ten thousand yards have been printed with ease in a single day, by one man and two boys, with these rollers. Fifty thousand children's handkerchiefs have been printed in the same time by the same number of persons. Similar means are in constant use for staining and dyeing cotton and linen cloths of one color in the same expeditious manner, so as to make them fit for the greater variety of apparel and furniture."

And again from page 11, of the introduction:

"The States of Rhode Island and Massachusetts have expelled all doubts about the practicability of the cotton operations. With the smallest territory in the United States, Rhode Island has already attained, and introduced into her vicinity a cotton branch of our manufactures as valuable as the cotton branch of any country in Europe was at the time of the formation of our constitution. The neighboring States of Massachusetts and Connecticut quickly followed Rhode Island; and the tables which are annexed, imperfect as they unavoidably are, manifest the universality and magnitude of the cotton manufacture in 1810."

One thousand eight hundred and ten!—observe the date, Mr. President! Observe the date!—one thousand eight hundred and ten! Two years before the war, and near seven years before the politicians took hold of the subject, the cotton manufacture was completely established in Rhode Island, Connecticut, and Massachusetts; as well established as it was in any country in Europe before the formation of our constitution; a man and two boys could print, with ease, ten thousand yards of calico, or fifty thousand children's handkerchiefs in a day; that the success of these States had expelled all doubt upon the subject. And this was the state of the cotton manufacture in Rhode Island, Connecticut, and Massachusetts, more than the third of a century ago: and now, after twenty-five years of aid from the protective system, we are told that this manufacture must go to ruin if not further protected by enormous duties and prohibitory minimums. Certainly, if this is the case, they have been injured by our aid, and have been held up so long that they cannot stand alone. But this is not the case. This

manufacture was well established thirty odd years ago, and is able now, as I will show hereafter, to stand alone, and to contend with the cottons of Great Britain and of Europe, not only here at home, but all over the world. And here, Mr. President, I must again advert to the date. The modern champions of manufactures say it was the war which gave birth to manufactures, and that we must have high duties now to protect what the war created; but the work of Mr. Coxe shows this to be a grand mistake; that this great interest had taken deep and wide root before the war, and was going on well even before the year 1810.

It is impossible to follow Mr. Coxe through a detailed view of the condition of each branch of manufactures, which he presents in this volume. The index occupies eight pages, and the number of articles enumerated exceeds three hundred. They comprise all manner of productions—almost every thing useful or ornamental—in the working of wool, wood, iron, glass, hemp, flax, leather, and a long list of others, all well established as early as the year 1810, and many before that time. He computes the manufactures of the three articles of wool, flax, and cotton alone, at forty millions of dollars. Iron he computes at fourteen millions—leather at eighteen—wood at five and a half—cables and cordage four and a quarter. Wool, he says, was in the most rapid state of improvement next after cotton. New England made fine, if not superfine, broadcloth, above fifty years ago. President Washington wore a suit of it, made at Jeremiah Wadworth's factory in Connecticut, when he first met the two Houses of Congress under the present constitution. Fifty-four years ago, on the most august occasion in the annals of man, the most finished gentleman, hero, and patriot that modern times have beheld, found Connecticut cloth good enough for him to wear! And now we are to be entertained with a belief that the manufacture of this cloth is just growing up there—that it has been hatched into existence by the hot incubation and meretricious embraces of politicians and capitalists, and is yet too feeble to stand unless supported by the powerful arm of the American Government!

I repeat it,—it is impossible; time and strength would fail me, to undertake to follow Mr. Coxe through his detailed view of our manufactures in 1810. I must take it by States, and show what he then said of States which are now the most urgent for Government protection. Thus: The manufactures of Massachusetts were stated at \$21,895,000; New Hampshire at \$4 millions; Vermont at \$4 millions; Rhode Island at 4 millions; with the remark that the cotton manufacture was there increasing at the rate of 88½ per centum; Connecticut at 7½; with the remark, that there were constant additions to the number of manufactories in that State, and of the capital employed in them; New York 25 millions, with the belief it should be 33; New Jersey 7 millions;

Maryland 11½. All this appears at page 38 of the tables, and shows the extraordinary growth of manufactures in all these States at the early period of 1810. But Pennsylvania was still superior to all these; and to that State Mr. Coxe devoted a separate table, by counties, at page 63 of the introduction. Forty-four millions of dollars is his estimate of the manufactures of that State, of which 16 millions alone were in the city and county of Philadelphia. His whole estimate for 1810 is near 200 millions of dollars; about double as much as the whole exported productions of agriculture are at this day; about double as much as the whole importation of foreign goods are at this day; about equal to the joint amount of exported agriculture and foreign commerce thirty-three years thereafter! The whole cotton crop of the United States for the last year was 47 millions. Pennsylvania manufactured 44 millions in 1810. The largest cotton crop ever made in any one State in a year, was 15 millions—that of Mississippi in 1889. Philadelphia county and city manufactured 16 millions in 1810!

Having shown this to be the flourishing condition and actual value of our manufactures at that early period, Mr. Coxe proceeds to the very natural inquiry into the causes of the extraordinary growth of this branch of industry in our new and youthful country. He inquires into these causes, and finds them in the freedom of our institutions, which permits every talent to take its natural course, and foreign skill to incorporate with our own; in our position, which gave all the difference of costs and charges and mercantile profit on the foreign rival, in favor of the domestic article; in the abundance of raw materials, the cheapness of provisions, the lightness of taxes, and in the incidental protection resulting from the imposition of revenue duties for the support of the Government. But this is a point at which the oldest advocate of manufactures should be allowed to speak for himself: and let us hear him. I read from pages 28, 29, 50, 59, 60, of the introduction:

"The United States have some palpable and great advantages over their foreign rivals in the cotton branch. These of Europe depend upon foreign agriculture for the raw material, for the indigo, and in a considerable degree for their breadstuffs."

"The expenses, costs, and charges of transporting cotton from the farms and plantations even near the coasts of the United States, to the manufactories of Manchester, Glasgow, and Rouen, and the same charges upon manufactured goods brought from those places to houses of the planters and farmers in America, are equal to 50 per cent. on the finer and 75 per cent. on the coarse, heavy, and bulky goods of those great manufacturing towns."

"Every man and woman in the United States uncharged with crime, is free of every city, town, borough, hamlet, village, township, hundred, county, and enjoys the freedom of every occupation, trade, and calling." "Foreign masters as well as journey-

men and foreign capitalists, have discovered that the United States afford extensive opportunities to employ themselves in manufactures and the useful arts, as has been long the case in commerce, navigation, stocks, banks, and insurance companies. The manufacturing branches are as open to them here, as agriculture and the purchase of lands and houses in the most favorable States, or as they are to a native or naturalized citizen. Patented monopolies, processes, machinery and tools, engrossed for a time by foreign invention in Europe, may of course be used here by all persons without restraint or injury. In this highly inventive and well-instructed age, these opportunities, in such a country as the United States, often redound to the great benefit of respectable foreigners as well as of ourselves."—Pages 28, 29, 60.

"It is manifest to the close observer, that this state of things very extensively existing, and faithfully represented, has occasioned manufactures to spring up everywhere, as an operation of plain common sense to effect the consumption, employment, or sale of the products of the earth, and to attain a supply of the comforts and conveniences of life. It is the natural and irresistible working of things."—Pages 59, 60.

"The facility of retaining and steadily extending this valuable branch (the manufacturing) of the national industry, is manifested by its very early and spontaneous commencement in every county and township, and by its nearly spontaneous and costless growth, with such aids only as have not occasioned any material expense or sacrifice to agriculture or commerce, since they were chiefly incidental to necessary revenue, or resulted from our distance from the foreign consumers of our productions and manufactures of our supplies."—Page 50.

"Such are the principal facts which occur to recollection, at this time, evincing the benefits to owners and cultivators of the soil from the manufactures which have arisen unforced in the United States. Their principal protection by duties is incidental. Those duties were imposed to raise the necessary revenue; but greatly favored the manufactures."—Page 29, Introduction.

Such, Mr. President, were the causes of the growth of manufactures among us. They grew up of themselves, without the knowledge of politicians, and without any aid from federal legislation except the incidental assistance from the imposition of revenue duties. Their growth was natural—spontaneous—unforced—without injury to commerce or agriculture—without injury to revenue—and, what is not to be forgotten, not only without a word of discontent or dissatisfaction in any part of the Union, but with the absolute approbation of all. I repeat it: manufactures were just as popular at that time in the South as they were in the North. No party feeling, or sectional feeling, or even individual feeling, was at that time entertained against them. All cheered their progress, and honored their cause. All befriended them, until politicians and millionaire capitalists converted them into a political interest and an engine of oppression.

After having shown the flourishing condition of manufactures, and the causes of their great and rapid growth among us, Mr. Coxe naturally



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looks forward to the future, and inquires what more is yet to be done for them? He makes a formal head of the inquiry, and indexes it with these impressive words: "*Promotion of manufactures—safe, cheap, benevolent, and infallible method of.*" This was written in September, 1814, in the third preface to Mr. Coxe's work; and the date, as well as the inquiry, becomes eminently material. It was only two years before the politicians took hold of the subject, and came forward with their protective system. Surely if the further aid of Congress had been wanting, Mr. Coxe (a writer for twenty-seven years in favor of manufactures) was the man to know it! the month of September, 1814, was the time to find it out! and this was the place in the book to tell it! Does he do so? Does he ask for federal aid? Does he ask for high duties and minimums? Does he mention tariffs? Does he allude to any of these things? No, sir, no! None of these means of promoting manufactures have any place in his mind, or in his book. In the ample verge which he had left himself for the insertion of every salutary aid under the terms *safe, cheap, benevolent, and infallible*, there was no place for federal protection or congressional help!—no place for high duties and prohibitory minimums! Half a dozen pages are given up to inculcating the necessity for the diffusion of skill, the multiplication of machinery, the adoption of new improvements, the application of steam power, the education of the operatives, and to the cultivation of good feelings in every part of the Union, but not a word about protective duties and minimums! not a word about the tariff! In fact, the word *tariff* is not mentioned in the book—not once in the whole book—not once in a quarto volume of two hundred pages, wholly occupied with the growth and establishment of manufactures, and a special chapter devoted to the means of improvement. The nearest approach that can be found to it is in the word *tar*, in the index, where it is placed for the purpose of showing that the tar-burners would not give in the produce of their kilns, for fear of being taxed; and that, consequently, tar has no place in the census returns—no more than tariff has in Mr. Coxe's book.

I cannot quit this part of my examination of the subject without dwelling on the fact of this remarkable non-appearance of the word *tariff* in such a book. The word is not in the book! A writer for twenty-seven years in favor of manufactures—issuing a quarto volume on the subject—inquiring as late as September, 1814, what further was necessary to be done for his great and darling object: this writer never once pronounces the word *tariff*! Yet in two years after that time, politicians and millionaire capitalists spread the term through the land—make it the watchword of party—the text of endless harangues—the ladder of political promotion—the creed of politicians—the subject of catechism to every candidate for office from

the American presidency to the township constable. Such is the power of party spirit and money—the power of a great political party, and a great moneyed interest, acting together for their joint account, and agitating the country for their own selfish designs.

No, sir, Mr. Coxe could find no place under any one of his heads of promotion of manufactures—either that of *safe*, or *cheap*, or *benevolent*, or *infallible*—for inventing the word *tariff*—that word which, for a quarter of a century, has been tearing the peace of the country and almost the Union itself, to pieces. But he did find a place for another means of promoting and perpetuating the success of this great interest, which does so much honor to his patriotism, and has so strong an application to our present condition, that I have reserved it for a separate and final quotation. It is this:

"Some further illustration of the great interest of the United States in the general business of manufactures, of their unforced progress, of their actual magnitude, of their sure, easy means of execution, and of their immovable establishment, was the principal aim of this supplementary note. It was written in the summer of the current year, 1814, while the original statement was issuing from the press, and under the same circumstances as parts I. and II. The sole aim of the publication of the present entire work is to elucidate, unite, and promote the various interests of the American family, whether agricultural, mercantile, manufacturing, or auxiliary, in the North and in the South, in the East, in the West, and in the centre. No partial objects, local or professional, have influenced the publication. To sacrifice the rights and interests of the merchants to the exclusive benefit of the manufacturers, would appear to be an unreasonable and vain attempt; to endeavor to effect a like sacrifice of the rights and interests of manufacturers, to the exclusive benefit of the merchants, would seem to be equally irrational and vain; to neglect to foster, by all wise measures, both external and internal trade, or foreign commerce and home manufactures, would appear entirely to disregard the well-tried and certain means of agricultural and landed prosperity, and of national wealth and power."—Page 70 of the Introduction.

This is the last and crowning advice which this patriotic man gives to the manufacturers. It is to cultivate good-will with all—endeavor to sacrifice no interest—unite the whole American family—conciliate the North, South, East, West, and centre. This was his last and crowning advice; and this was the state of things when he wrote. How different from the conduct of politicians, and the state of things which they have brought about! And now, if I should venture a piece of advice to the manufacturers—I, who have always shown myself their true and disinterested friend—it would be to eschew partisan politics! Be as ardent in politics as they please *individually*; but as a *body*, avoid the contagion of partisan politics! Of that disease died the Bank of the United States!

I now submit, Mr. President, that I have made good my third assertion—that I have

proved the successful and prosperous establishment of manufactures long before the invention of the protective system; and, consequently, that there is no necessity for continuing that system, to prevent them now from going to ruin.

The census of 1810 has done us good service on this subject: we have had another census since, which has done us good service upon it again. I speak of the census of 1840. One shows us what manufactures were: the other, what they are. And though they are imperfect, from the honest fear which many people had of being taxed, and which made them withhold full returns, in some instances, yet, as far as they go, they are correct and reliable.

Manufactures were well established from Maryland to Massachusetts in the year 1810. What are they now? Let the census of 1840 speak! I have recourse to the compendium of that document, printed by Blair and Rives, and quote from pages 107 to 113, and from 356 to 361; and begin with the State of Massachusetts. The woollen manufacture of that State is set down at \$7,082,898, upon a capital of \$4,179,850 invested, and with 5,076 persons employed. This is at the rate of about one dollar and three-quarters of annual product for each one dollar invested, and about 1,400 for each hand employed. This is the gross product, from which, of course, the expenses are to be deducted. Deduct them. They are not great in the frugal north-east—make an allowance for machinery which supplies the place of the people—or merely look to capital invested and product yielded—and you will have an amount of profit unknown in any other part of the world. So much for wool: now for cotton. The value of this manufacture is set down \$16,553,428 on a capital of \$17,414,000 invested, and 20,927 persons employed. This is at the rate of about dollar for dollar for the capital, and about 760 dollars to the hand. Let us try another article—that of leather. The manufactures of this article are stated at \$10,553,826 of value, upon a capital of \$8,318,544 invested: number of persons employed not stated. The product compared to the capital, in this case, is nearly three to one.

[Here Mr. ORRINDEN inquired of Mr. B. what was meant by capital invested. Did it include buildings and ground?]

Mr. B. I read the words as I find them, and have no doubt they include the buildings and the ground, as well as the machinery and water privileges, and all auxiliary establishments. I give the words their largest import; let them include every possible outlay, and then say the product is the largest that ever resulted from human labor in the annals of mankind.

But to pursue the inquiries through some other articles in the State of Massachusetts. The manufactures of paper are set down at \$1,659,930 value upon a capital of \$1,082,800 invested; which gives a yield of a dollar and a half annually upon every dollar invested. And so on through an almost endless list of other

articles; and all coming out in about the same way. Dollar for dollar—two dollars for one—and sometimes three for one—are the usual proceeds of the year upon the capital invested; and after making every allowance for expenses to be deducted from these amounts, the net profits, especially considering that machinery is chiefly employed, one piece of which will do the work of two hundred hands—eating, drinking, wearing nothing; never sleeping, and never tiring: when we consider this, I repeat, the net profits must be the largest ever known in the history of human labor. The manufacturers have often astonished us by publishing accounts of 10, 12, 15, 17, 20 per cent. divided every six months; and great as these dividends were, it is certain they were only a part of the profits. Large surpluses were left to be divided in the lump on some happy day, or to be invested in new works. They could not venture to divulge the whole extent of their real profits, for fear of producing too many rivals.

Compare the proceeds of agriculture with these proceeds of manufactures. Does the farmer get 100, 200, 300 per cent. annually upon the amount of his capital invested? are his gross proceeds the equal, the double, and the treble of his capital invested? his lands, houses, slaves, cattle, implements? I thank the Senator from Kentucky (Mr. ORRINDEN) for his question. He has put the right question, and brings out a fair comparison—the whole against the whole! Take the whole investment of the farmer, or the planter, against the whole investment of the manufacturer, and compare gross proceeds with gross proceeds. I have no means of ascertaining net profits, and that depends more upon the manager than the subject: take the gross against the gross, and let the planter and the farmer answer. Can he give you the third or the quarter, instead of the double or the treble? Can he even give you ten or 15 per cent., instead of 100, 200, and 300 per cent.? No, sir, he cannot! and yet this farmer and this planter is to be taxed in every necessary, and in every comfort of his life to swell still higher, and to perpetuate still longer the enormous and exorbitant profits of a class who are advancing to princely wealth, while they themselves can hardly contrive to make the two ends of the year meet.

Besides the great articles worthy of separate consideration which I have named, and which are specifically enumerated, I find, at page 361, a column of non-enumerated articles, a sort of miscellaneous collection of small items, not worthy of specific enumeration. These anonymous articles, I suppose, constitute what is known by the name of "notions," and seem to be as profitable an investment as the rest. The Massachusetts report of them stand at \$6,570,284 value produced, for \$3,287,986 invested, which is about two for one. Rhode Island stands at \$1,658,193 upon \$820,450 invested, which is about the same rate. Connecticut stands at \$2,266,994, upon an investment of

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\$1,254,576, which is still coming up pretty nearly to the same mark. The whole value of these "*notions*" in New England is about six millions of dollars—about equal to the flour export of the whole United States—with a gross product of two to one upon the capital invested in their production; yet the wheat-growers must be taxed for the making of them, as well as taxed by their purchase.

It is impossible to follow these tables through the hundreds of articles of manufactures which they present, and through all the States, from Maryland to Massachusetts, where they are chiefly carried on. The compendium is in every Senator's hands; and each one can pursue the inquiry for himself. Would to God that one was in the hands of every citizen of the Great West, that he might see how many thousand times better off than himself is the millionaire capitalist, for whose further enrichment he is grievously and daily taxed in all the comforts and necessities of life, and through all the divisions of his household, from his wife, children, and servants, to the cattle that pursue him for salt. I cannot pursue the table through nine States, and the hundreds of articles in each of these States, which show the present state of manufactures among them; but I have made an extract of what relates to wool and cotton—the amount produced, and the amount invested in each—and here present it as a specimen of the whole. It will be seen that the product is generally at the rate of dollar for dollar, and sometimes the double of it. This is the table, leaving out Massachusetts, of which I have already spoken:

	WOOL.		COTTON.	
	Product.	Capital.	Product.	Capital.
Rhode Island....	\$842,172	\$685,820	\$7,116,772	\$7,326,000
Connecticut.....	2,494,818	1,931,395	2,715,000	3,152,000
Vermont.....	1,331,000	1,406,950	<i>But little.</i>	.....
New York.....	8,537,387	8,469,949	3,640,287	4,900,772
New Jersey.....	440,710	314,650	2,056,104	1,732,310
Pennsylvania.....	2,319,061	1,510,546	5,018,067	3,225,406
Delaware.....	<i>But little.</i>	.....	832,272	830,300
Maryland.....	<i>Little.</i>	.....	1,150,589	1,304,400

The census returns of 1840, though ample in details, are deficient in a table of aggregates by States. The census returns of 1810, as digested and completed by Mr. Tench Coxe, contained such a table for that year: it is to be regretted that the returns of 1840 do not contain a similar one; they would give us the comparative view of the manufactures of the two periods, and show us how much they had advanced in thirty years. I would have made the table myself, and presented it in comparison with that of Mr. Coxe; but many of the articles being returned by quantities, without values annexed, the labor of hunting out these values in prices current, and then calculating the whole, was too much for my time. Thus the article of iron is carried out in tons—286,908

tons of cast, and 197,283 tons of bar, being returned as the annual product of the whole Union. The product of the fisheries is returned in quintals (112 lbs.) and barrels for the fish, and gallons for the oil. Thus, 778,947 quintals of dried fish; 472,589½ barrels of pickled fish; 4,764,708 gallons spermaceti oil; 7,536,773 gallons of other oil; while the article of whale-bone, and some minor items of the fisheries, are alone returned in value, and this part amounts to \$1,153,234; and all this upon a capital of \$16,429,620 invested in these fisheries. The annual gross product of this capital is probably dollar for dollar: yet the western farmers, who are getting but ten or twelve per cent. upon their investments, must be taxed 75 per cent. on Liverpool salt, 100 per cent. on Turk's Island, and nearly 200 on Mediterranean salt, to give the fisheries a pretext for drawing off illegally and unduly about \$850,000 of fishing bounties and allowances, annually, from the treasury, under the assumption of a drawback of the amount of duty paid on the salt exported on the exported fish; when the fact is that they get the drawback on all the fish consumed in the country, as well as on the exported part; and, besides that, use much domestic salt, which has paid no duty at all! and are getting the bounty at the old rate of 20 cents a bushel on salt, while the duty now is reduced to eight cents!

Not having an aggregate of manufactures, by States, for 1840, in the census of that year, I am driven to other sources, and to conjecture, to form an opinion of it. Looking to these other sources, and I find in our Congress library a return of the manufactures of Massachusetts for the year beginning the 1st of April, 1836, and ending the 1st of April, 1837, in which both the details and the aggregate of that great branch of industry for that State are fully and carefully given. The report was made under the orders of the legislature, and published by its authority, and may be relied upon as correct. The value of the year is made upon the *average* of the five preceding years; so that the time of the product reported, refers itself to the years 1834-'35. This report, thus made up, and after leaving out 6,853,248 dollars of ship-building, gives 86,282,616 dollars as the product of a single year's manufacturing industry of that State. This is an enormous sum. Carried forward from the time to which it refers (1834-'35) to the year 1840, which is the proper point of contemplation and comparison, and the amount cannot be less than one hundred millions of dollars! What a stupendous production for a population of 787,699 souls, and a territory of 8,000 square miles, and which has but two native articles of export—ice and stone. Why, sir, it exceeds the agricultural exports of the whole Union; it exceeds the foreign trade of the whole Union; and if the rest of the Union was in proportion to Massachusetts, the manufacturing industry of the whole would now be one thousand millions. Taking Mass-

achusetts as the criterion, and it would be that much. Thus, in 1810, the aggregate of her manufactures was twenty-one millions of dollars; it has multiplied five-fold in thirty years; the same increase through the Union would give one thousand millions! But other States have not increased as much, and three or four hundred millions may be deducted. Six or seven hundred millions may be the product of the Union: but let us confine our attention to Massachusetts, about which there is no doubt, and which is at the head of the manufacturing interest of the country, and the great advocate of the tariff. Her manufactures, beyond dispute, have increased five-fold in thirty years! and now, what have agriculture and foreign commerce increased during the same time! The lamentable tables which I read yesterday, answer this question: and show that, with a population more than doubled, with an extent of territory brought under cultivation, also more than doubled, and with the great article of cotton added, which constitutes nearly two-thirds of the whole—the great interests of agriculture and foreign commerce remain now where they were thirty years ago! And yet the farmers, the planters, and the merchants, are required to take the manufacturing interest in their arms, and carry it like a babe in a cradle.

Manufactures are now well established: there is another document which proves it as conclusively as the census returns: I speak of the document of Commerce and Navigation annually published by order of Congress; and in which, among other things, there is shown to be a large exportation of domestic manufactures! The amount and variety of these exportations prove the fact of their complete establishment, and ability to contend with their foreign rivals abroad, as well as at home. The value exported last year amounted to near nine millions of dollars; comprehending near sixty varieties of articles; of which cotton goods amounted to three millions of dollars; and iron, in the form of pig, bar, castings, nails, &c., to one million one hundred thousand. These articles go to Europe and to Asia—to Mexico, South America, and the West Indies—there to contend without protection, and burdened with cost for freight and other charges, with the rival articles of all parts of the world! And while they do this abroad, are they in need of enormous protection from high duties, and prohibitory duties, and prohibitory minimums, at home? Is the cotton, worn at home, to pay an enormous duty, while it is worn abroad without duty? Is the *fustian*, which is worn by the day laborer in the United States, to pay *one hundred and forty-fives* per cent. duty, when it can go abroad, and be sold to the South American or to the Asiatic without duty? And so of all other cotton articles, the manufacture of which was fully established, as Mr. Tench Coxé has proved, above thirty years ago! Our export of domestic manufactures

is now greater than that of any agricultural article, cotton only excepted. It is greater than that of tobacco, flour, salted provisions! And while this is the case, can manufactures stand in need of enormous protection, at the expense of these articles?

Manufacturing industry has had, and still has to a large degree, the sympathies of the western people. It rested upon arguments which went home to their bosoms—to their generosity and their patriotism. Will you not protect home labor against foreign? Will you not make your country independent of Europe for what is necessary to independence, and to comfort? Will you not be independent in fact, as well as in name? The brave son of the West answers, Yes! and shoulders any load to accomplish the object. But the time is come for him to see that his generous and patriotic feelings have been sported with—in fact, that he has been most magnificently humbugged and bamboozled—that, instead of providing for the independence of his dear country, he is only enriching still more inordinately those who are already a thousand times more prosperous than himself.

Manufactures are in no need of the enormous protection which the act of 1842 gives them: they need but little, and I am willing to give them far more than they need. I am ready to give them the protection resulting from the highest revenue duty, say 80 or 88½ per cent.—which, with the costs and charges, and the importing merchant's profit, is a protection of full fifty per cent. against the foreign rival. A difference of fifty per cent. is half the battle! and the manufacturer who cannot stand his ground with that difference in his favor, has certainly mistaken his vocation.

But 50 per centum protection is not the only protection which our manufacturers would now enjoy: they now have the advantage of the same measure of values which is used in other countries, and which will enable them to sell in the same markets, and against all competitors. We now have gold and silver in the country, the true measure of all values—the only standard of all prices—the safe protector of all labor. Since the gold bill of 1834, and the silver bill of the same year, one hundred and twenty millions of gold and silver have been imported into the United States; and the importation still continues, and can be carried to any amount that we please. Twenty-four millions were imported last year, of which seventeen and a half millions were in gold. Since I have sat in this chair—that is to say, since the year 1820—one hundred and eighty millions of silver, and fifty millions of gold, making two hundred and thirty millions of hard money, have been imported into our country, of which one hundred and twenty millions, and forty millions of it gold, now remain. This gives a hard-money currency to the country, and that currency is the safe and steady protector of all labor. Manufacturers

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now have the advantage of this currency, worth more to them alone than any tariff that ever was invented in extravagant paper-money times. Joined to incidental protection from revenue duties, and to other advantages resulting from position, from cheapness of provisions, light taxes, abundance of raw materials, free institutions, and above all, from future STABILITY, and it is impossible for them to do otherwise than well. I wish them to do well. I shall endeavor to make them do well: but cannot consent to sacrifice other great interests to their exclusive and inordinate prosperity.

Mr. President, I have thus far spoken for the whole Union. I must now say a word for the Great West—that vast region so fertile and so patriotic, and which now appears with twenty Senators and near one hundred Representatives on the floor of Congress. This great region is agricultural. It wants foreign trade. Its exports are tobacco, flour, grain, beef, pork, bacon, and other productions of the farm. We have seen how greatly the trade in all these articles flourished under the low duty system, and how sadly it has declined and sunk away under the system of high duties. If the good of the Union required this Great West to submit still longer to this decline of its trade, I undertake to say that patriotism and love of the Union would induce it to submit: but when the only object is to give undue advantage to a particular interest—to enrich inordinately one overgrown interest, at the expense of all others, and at the expense of the harmony of the Union besides—when this is the case, patriotism and reason forbid the sacrifice, and require a return to that system which favors its own interests, without being injurious to any other, and under which the whole American people, so far as the tariff was concerned, was a family of brothers.

Besides the articles just mentioned, the Great West has others, now becoming considerable—too large for home consumption—and greatly requiring the outlet of a foreign market. Hemp, the product of many western States, is one of these articles: it is already beginning to go to Europe. It has been shipped from New York and New Orleans, and sold in Liverpool at a saving price. Lead is another of these articles. It is the product of two large States, and of two territories, which are soon to become large States, and is inexhaustible in quantity. In the times of reckless banking and inflated paper currency, a tariff of protection was demanded for the home consumption of this article—as if any tariff could protect individual or national labor from the depredations of a paper-money currency! Since gold and silver have become the currency of the miners, these same people export lead to Europe and to China; and the novel export is increasing with a rapidity unknown in the history of any article. In 1839, the quantity exported was 81,877 pounds: in 1840, it was 882,620: in 1841 it was 2,177,000 pounds: in 1842, it was

14,552,357: and, in the first three quarters of 1843, which is as late as the accounts have been made up, it was no less than 15,000,000 pounds. This is an immense item to be added to western exports. Joined to the exportation of hemp, and it gives to the Great West a great additional interest in the success of foreign trade.

Turning to myself, and to my own conduct in relation to the tariff, I can say that I voted for the act of 1824, cordially; for that of 1828, reluctantly; that of 1832, with more satisfaction, because it reduced duties on many necessities, especially on coarse woollens and coarse blankets, which it brought down to five per cent.; that I voted against the compromise act because I thought the horizontal line wrong in principle, and for other reasons; voted against the act of 1842, because I really believed it not only bad, but the worst act that ever has been passed on the subject. Now I make a speech in favor of returning to the old revenue system before the war. In all this time my feelings on the subject have never changed. I am now and always have been, in favor of manufacturing industry, as well as that of agriculture and commerce. I look upon each to be a great national interest, entitled to the support of the statesman. In their degrees of relative importance, I hold agriculture, which furnishes the means of subsistence to man and beast, to be the first; manufactures, which fashions the crude material for the use of man, I hold to be the second; and commerce, which exchanges the superfluities of nations, I hold to be the third. But, while they have their relative degrees of importance, they are all great interests, auxiliaries to each other, and never to be brought into conflict. My feelings with respect to either of them is not changed; but twenty-four years' attention to the question of manufactures has increased my stock of knowledge upon that subject, and leaves me with the full conviction that the incidental protection which we contemplate and the other aids mentioned, will be an ample support of that great and meritorious branch of the national industry. When the high-duty system began, all declared it was to be temporary—it was only to continue a few years, until manufactures took root. Now they are to be perpetual. When first introduced, they were resisted by the capitalists of Massachusetts. It required many years for the politicians to seduce them into the new system; but they did it at last, by the extravagant bounties which they offered; and now, with their enormous profits, it is not in human nature for them to be willing to relinquish the benefits they enjoy. With their twelve, and fifteen, and seventeen per cent. of half yearly dividends, and a surplus reinvested, or laid by for division in the lump, they are unwilling, and very naturally, to return to twelve, or fifteen, or seventeen per cent. per annum.

Let there be no panics—no alarms. The high tariff candidates for the presidency and

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the vice presidency were defeated in 1832: the bills then introduced in the House of Representatives showed that manufactures had nothing to fear from the issue of that election; that discrimination and incidental protection was the basis of the democratic policy; and that every interest of the country would be duly sustained. The same now. The success of the democracy in 1844 will be auspicious to every interest, and as much so to manufactures as to any other.

Mr. SIMMONS next obtained the floor; but the hour of adjournment being at hand, the subject was passed over informally.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 26.

*Independent Order of Odd-Fellows and Free Masons of the District of Columbia.*

Mr. BOWER, from the Committee for the District of Columbia, reported a bill to incorporate the Grand Lodge of the Independent Order of Odd Fellows for the District of Columbia.

Mr. G. W. JONES thought it better to dispose of this bill at once, without any further waste of time. He was not a member of an odd-fellows society; but there was another bill accompanying the bill now before the House, which would be reported, to incorporate the Grand Lodge of Free Masons of the District of Columbia, and he professed to be one of that order; he was a member of a subordinate lodge, of a chapter, and of the Grand Lodge of the State of Tennessee; and, as a mason and an American citizen, he was opposed to granting any act of incorporation to that society. He had not held any communication with the odd-fellows of this District; but he had conversed with a member of the grand lodge of the District of Columbia, and that member had informed him that he wished for no act of incorporation. He (Mr. J.) was opposed to acts of incorporation being granted to either of these orders; and, therefore, he would, if it were in order, move that the bill be rejected. He should make a similar motion when the bill came up to incorporate the Masons, and he hoped no friend to the order would support it. He believed masonry to be the best system of moral philosophy now extant, the Christian religion alone excepted; it was a charitable institution, and he was unwilling to see it allied with so unholy a thing as a corporation.

Mr. HOLMES was surprised to hear such language from the gentleman from Tennessee. Why, if these societies were to have any extensive utility, they must be incorporated; for nothing short of the protection of law for their property, would secure to individuals all the benefits these societies were designed and calculated to confer.

Mr. STEENROD moved to lay the bill on the table.

The motion to lay the bill on the table was agreed to, without a division.

Mr. BOWER then reported the bill to incorporate the Grand Lodge of Free Masons of the District of Columbia.

He said he was not a Free Mason himself, but he had seen how destitute widows and helpless orphans had been protected and maintained by this order, amongst whom were found some of the first order of men, and some of the best that ever adorned this world; and, when he saw so much good produced by societies of this character, he felt that he was fully justified in taking the course which he had done as a member of the Committee for the District of Columbia.

Mr. HOPKINS moved to lay the bill on the table.

Mr. PAYNE called for the yeas and nays, and they were ordered; and, being taken, resulted thus—yeas 122, nays 80.

So the bill was laid on the table.

## IN SENATE.

THURSDAY, March 28.

*The Tariff—the Compromise Act.*

The Senate then resumed the consideration of the resolution reported from the Finance Committee, for the indefinite postponement of the bill introduced by Mr. McDUFFIE, to reduce the present tariff to the standard of the compromise act.

Mr. SIMMONS, in continuation of his remarks yesterday, addressed the Senate for two hours. He took up again that part of his argument, in relation to the average of duties anterior to 1817, and subsequent to that period. His object, he said, had not yesterday been to do away with the effect of the tables made out by the Senator from Missouri; but to show that the average of duties for the first twenty-five years of this Government, was 18½ per cent; whilst on the last twenty-five years, the average has been only 18½ per cent, including all the imports of each period in the comparison. He had since caused a table to be made out, excluding the time of embargo; and the result was an average of 18½ per cent; but still further, excluding the year 1808, up to 1817 the average was 17½.

Mr. McDUFFIE inquired if specie and free goods were not included in Mr. S.'s statements?

Mr. SIMMONS said they were; the charge of the revenue was upon all the imports, free and dutiable; for he understood the true rule to be to charge the whole commerce of the country with the burden of revenue from duties. He said, as an instance, that if, instead of imposing a certain amount of duty to be divided equally on sugar and coffee, the same amount was raised from sugar alone, and coffee were left duty free, it could make no difference to the consumers of sugar and coffee, because, on the whole, they only paid the same amount of revenue. In the latter case, that of all the duty being thrown on sugar, the sugar plant-

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ers would be protected, and coffee would be allowed to come in free.

He next adverted to the speeches made by the Senator from South Carolina (Mr. McDuffie) on the present measure; which speeches he distinguished as remarkable for their display of intellectual power. It was his design, in reviewing that Senator's arguments, to endeavor to prove that the cotton-growing States were deeply interested in the advance of the cotton manufactures in the United States. Mr. S. here read a passage from one of Mr. McDuffie's speeches in relation to the check of importations affecting injuriously the staple exports of the South. Upon this passage he commented at considerable length, with a view of showing that the compensation for diminished exports, if there was any such diminution, was amply given in the increase of the home market, which not only produced for home consumption, but for exportation of finished fabrics. He entered into a variety of technical details descriptive of specific fabrics and the specific duties on such goods if imported; comparing relative values of the foreign and American fabrics, with a view of showing that prices were lower by 15 per cent. in the United States, beyond a year ago, than they were in England. This price, however, he said, being ruinous, and the prices abroad being also too low, it was necessary that a rise should take place, or manufactures could not exist; and consequently, since that time, an advance in both countries had taken place, equal to 25 per cent., still leaving American goods cheaper by 15 per cent. Thus, he contended, those who were engaged in manufactures, had fulfilled the promises they had made to the country when they asked for protection; they had furnished not only as good articles, but, in many instances, better; and all at lower prices than foreign goods, of like nature, could be sold for here. All the reasonable expectations of the country had therefore been satisfied.

Mr. S. next adverted to the proposition of the honorable Senator from South Carolina, that, if the South were permitted to take advantage of her natural advantages, and of her natural markets in foreign countries, and if she were left to seek out her own best interests in her own way, she would be infinitely more prosperous; while the North and East would find their own level, deprived of the protection which burdens the South with bounties for their support. In opposition to this proposition, he (Mr. S.) maintained that the natural market for any national product, was within the country itself where that product was grown.

He endeavored to show that the additional charges in seeking a foreign market (all of which could be avoided by cultivating a home market) proved that the home market must be the natural market, and the foreign the reverse. In support of this view, he supposed a case in which the whole cotton crop of the United States (say two millions of bales) was sold in

England at the average quotations of the prices there; and that the gross amount would be \$90,000,000; but from this the charges to the English market should be deducted, amounting to \$13 per bale, or \$24,000,000, leaving \$66,000,000 for net proceeds. He then proceeded to show that the home market would yield more than this. He calculated that the whole crop manufactured in this country would yield \$155,000,000, giving \$69,000,000 to the planters, and \$86,000,000 to the home industry of the country, independent of the planting industry. But he said he had yielded too much in the calculation; that, if the whole crop, instead of the three-fourths actually now sold, were to go into the foreign market, it could produce the prices he had allowed. The addition to the supply of one-fourth would have a serious effect on prices, and cause the net proceeds to be infinitely less than he had calculated. On the whole, he held that the best policy in this country, for the planters, must be to encourage the growth of the most extensive home market that can be effected, and then to supply not only all that can be absorbed by the usual foreign markets, but to seek out new markets.

He considered the only real difference between the Senator from South Carolina (Mr. McDuffie) and himself (Mr. S.) was, a question of wages. It was, whether the wages of the labor of American manufacturers should be brought down to a level with the wages of labor in Europe, or whether such a reward should be given for American labor as would enable it to be sustained in comfort and independence. He denounced the agitation of the tariff subject, as conducing to the depression of business; the very dread of any interference with the present law, he had been informed in a letter from Boston, had already thrown a chill over mercantile transactions, and would be calculated to keep back the energies which, if the question was left undisturbed, would be exerted. Stability would gain a great point by discountenancing all designs of foreign competitors to break down the industry of this country, with a view of ultimately being able to enjoy the monopoly of the market.

He appealed to Senators if it was not the fact that, at the present moment, the most astonishing advances had not only been made in the production of manufactured cotton, at prices considerably reduced to the consumer, but in the productiveness of plantations yielding the raw material. It was the result of a steady pursuit in those lines of industry which those who followed such avocations felt they were secure in.

Mr. S. next took up the subject of the diversity of interests in this country, which he considered quite consistent with harmonious action, and best calculated to promote national welfare. He adverted to Professor Tucker's book, to show that the value of manufactures in the United States was upwards of \$400,000,-

000, from \$162,000,000 of raw material. The persons employed in manufactures were 700,000, about one-third of the number employed in agriculture. Hence he argued that manufactures formed an important national object, in which the interests of the agriculturists were interwoven so intimately, that any injury to the one must prove detrimental to the other.

Coming to the constitutional objection that the power given by the constitution was to regulate commerce, but not to destroy it; and that therefore the protective tariff laws of 1828 and 1842 were not constitutional laws, because, instead of regulating commerce, they were laws which curtailed commerce; and therefore, to that extent, they destroyed commerce. He said he did not understand any Senator but the Senator from South Carolina, as dwelling on this point of constitutionality. But he (Mr. S.) conceived that point had been so ably refuted by the Senator from Massachusetts, (Mr. BARZA,) that it left but little to be said on the subject. He, (Mr. S.), however, held that this power in the constitution to regulate commerce extended to the full power of the prohibition of imports, if Congress conceived that necessary for the welfare of the country. He adverted to one of the clauses in the constitution, with a view of showing that it was contemplated in it to give Congress the entire power and control over imports and commerce. Hence he held that it was perfectly within the power of Congress to exercise control over commerce, even to the exclusion by prohibition, of any branch interfering with the welfare of any portion of the national industry.

He then appealed to the sympathies of the Senate, which he maintained should give that encouragement to the home industry of the country, which would make every man engaged in it lie down on his pillow for repose in the confidence that he could again rise with the dawn secure in the reward which was justly due to his honest industry. He adverted to the improvements which the world enjoyed from the skill and energy of mechanics. One of the main elements of price was the cost of production. [Mr. McDUFFIE from his seat: I am glad you admit that, sir.] He (Mr. S.) would not differ from the Senator in any sound doctrine. He contrasted the improvements which had operated on the prices of products in agriculture with those in manufactures, to show that, in the latter, the consequence of mechanical improvements had been to make the cost of production fall infinitely more than the cost of production in agriculture; and therefore he argued that no class in the community deserved more grateful and kind consideration from both communities and Governments than the mechanics and manufacturers, who had so largely contributed to the cheap supply of the necessities, comforts, and conveniences of life. He denounced the practice of raising up prejudices against this deserving class, by designating them as monopolists, or

pensioners on the bounty of their fellow-citizens.

He wished to see this question of protection presented to the country fairly, and on its intrinsic merits. If the decision of the country should be against this system, let it be known at once, that those engaged in pursuits dependent upon it, may give them up, and apply themselves to something else. But till that decision of the country is made, let those laborers employed in these branches of industry encouraged by this policy enjoy the feelings of security and repose. He wished to see them cherished and supported, because they were among the most useful and deserving of the community. But that this question was to be the issue before the country in the coming contest, there was now evidently no doubt. One of the distinguished men of the country now before it as a candidate for the highest office of the Government, was to be opposed by an attack on this policy, because it was one of the favorite measures of his distinguished life. He was sorry to find the Senator from Missouri turning his back upon the friendly dispositions he had so often avowed in favor of manufactures.

Mr. BENTON interposed, and in an emphatic manner denied that he had ever changed his friendly sentiments in relation to the manufactures of the country. He was still the same as he had ever been.

Mr. SIMMONS observed that he was only arguing that such would be the effects of the Senator's doctrines.

Mr. BENTON again interposed, and utterly denied the assertion that any thing unfriendly to manufactures, or manufacturing labor, could be imputed to him, or any doctrines he had advanced.

The CHAIR called the Senators to order, and directed them to address the Chair.

Mr. SIMMONS disclaimed any intention of imputing sentiments to the Senator which he did not avow; he meant only to allude to the consequences of carrying out the doctrines which the Senator had laid down in regard to the levying of low duties on necessities, and high duties on luxuries, with a view of showing that the effect would be to destroy the labor depending on home industry.

Mr. S. then proceeded to comment upon the charge urged by the Senator from South Carolina (Mr. McDUFFIE) against the tariff law of 1842, as a "foul and faithless violation of the compromise act," with a view of showing that such a stigma attached to the friends and advocates of that measure.

Mr. McDUFFIE interposed, to say that his epithets were directed against the measure itself: he never had made any personal application of them to those who carried it through Congress.

Mr. SIMMONS did not understand the Senator as intending any such application; his argument was that, if the measure itself was to be



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so characterized, the censure would apply to its friends and advocates. But he contended that it was wholly inapplicable to either; and he called upon the Senator to point out wherein the act was inconsistent with its title, or the objects its friends and advocates had in view. Here Mr. S. entered into various particulars, to show the beneficial effects of the act of 1842; and then he adverted to the bill now under discussion, (Mr. McDUFFIE's,) with a view of showing that its object being to restore the compromise act, (which was no compromise at all, inasmuch as it was altogether one-sided, and opposed to the interests of American industry,) it never could become acceptable to the country. It was called a compromise, though it wholly abandoned protection, and yielded up every thing to the doctrine of free trade. He did not pretend to say that the act of 1842 was perfect, and that it did not need modification in some particulars. It required amendment he acknowledged; but he considered it much more advisable to let further experience of its effects be had before it was touched, than to disturb it, while, on the whole, it was doing so much good. He disclaimed, in the remarks he had made, any intention of adverting unkindly to any gentleman who had preceded him. If, in the heat of debate, he said any thing that would bear that construction, he begged it would be considered as unintentional. He was not accustomed to debate; and feeling very strongly and very earnestly on this subject, it was very possible he might inadvertently have been betrayed by his feelings into an appearance of discourtesy, which it was far from his intention to entertain.

Mr. BENTON rose after Mr. SIMMONS, to reply to something that he had said yesterday, but must first have an explicit understanding with respect to something said to-day. The Senator from Rhode Island had spoken of the destruction of manufacturing labor—of bringing labor and laboring men into odium—of endangering property, &c. Now Mr. B. said that he could not proceed with any thing else until he had an explicit disclaimer that any such things were imputed to him. Mr. B. paused for a reply.

Mr. SIMMONS admitted that Mr. B. had said no such things, but thought that his doctrines upon the tariff would be injurious to the capitalists who employed the laborers, and so injurious to the laborers.

Mr. BENTON. The words are disclaimed. The gentleman admits that I used no such language. I now ask if he imputes any such design to me?

Mr. SIMMONS did not impute any such design, but argued that the effect of his doctrines might be to injure manufactures.

Mr. BENTON. The words and the design being disclaimed, I now utterly deny the effect, and say that those who heard me speak, or who shall read what I said, will know that my professions and my doctrines go together; that I am a friend to the great manufacturing pur-

suit of the country, and hold it to be entitled to the support of every statesman. His own design to support it was evinced in his discriminating plan of duties, and his readiness to place the highest duty on luxuries, and the foreign rivals of our own industry; that 80 or 88½ per cent. was the highest revenue duty, which, with 20 per cent. costs and charges upon the importation of foreign articles, would be a protection of 50 per cent.; and this, with the present solid currency and stability, would be an ample protection. He considered himself as offering ample protection, and therefore, neither in effect, in design, nor in words, was he for destroying manufactures; and no such idea was to go out from this chamber. And now, he said, after the disclaimers of the Senator from Rhode Island, (Mr. SIMMONS,) if any such thing should ever be imputed to him hereafter out of this chamber, all would know it to be unfounded and false.

Mr. B. would now advert to some topics of yesterday. The Senator from Rhode Island (Mr. SIMMONS) had treated his arguments, and the tables he had used, as including the time of the embargo and of the war, and had made his own accordingly. Mr. B. called upon every Senator to recollect that he expressly excluded those times—war and embargo—from both systems, both in his speech and in his tables, and should have acted most absurdly if he had not; for it would have been insane to look to that period for the operation of any system on commerce or revenue, when all commerce and all revenue was destroyed, and remained so for nearly seven years.

The Senator also fell into the great error of attributing to me the nonsense of considering the whole gross products of different branches of manufactures as their net profits, and wished me to correct it before the speech should be printed. The speech was then in the press, and came out last night, and remains as it was spoken.

The amounts quoted from the census, were quoted as the gross proceeds, from which the expenses were to be deducted; and on looking at the speech this morning, he found that statement so often repeated that it amounted to a blemish upon it as a composition. He had repeated to satiety the statement that these amounts were the gross products, from which the expenses were to be deducted; and that, after this deduction, the net profits would still be the largest known in the annals of human labor. Mr. B. hoped that the Senator from Rhode Island would correct his own speech in this particular before he published it.

Mr. B. said the Senator from Rhode Island had also undertaken to produce different results from himself by taking single years, and comparing them against each other. This was a practice against which he had protested in his speech. He had compared it to the conduct of a man who should pick a stone or a brick in a great building, examine it through a micro-

scope, and then institute a comparison between the buildings themselves, and so decide the question of their architectural beauties. All this was wrong. Comparisons must be between the whole, and not the parts. System against system, period of time against period, was the course he followed; and it was the only true and fair one. The revenue system before the war was compared to the protective system since, under all its effects upon revenue, foreign commerce, and exported agriculture, and manufactures also, and found auspicious to the whole. To pit two years against each other could not invalidate results so obtained. The Senator showed that in 1808 about \$60,000,000 of re-exports took place: very good; that was an extreme year, but the re-exports of the two periods were the same—about \$520,000,000 each—and that made it even and fair to exhibit domestic exports and re-exports together, as he found them in the tables. He had done so, and the correctness of the tables was not impugned. These tables showed that, by a regular increase, foreign and domestic exports of the United States had regularly advanced from 1791 to 1808, when they amounted to \$108,000,000, the population then being but seven millions; and that, under the high duty system, with a population of 18,500,000, they only amounted, in 1842, to \$104,000,000 and had often fallen far below it. He had showed the decline of agriculture in the detail, as well as in the gross—he had followed it through all the old staples, flour, wheat, corn meal, rice, tobacco, and showed that all had declined, and sunk down to almost nothing at some periods of the high duty system, and were now, with a doubled population and a more than doubled cultivation, still inferior to what they were thirty years ago. About the truth of these tables there was no dispute; and the inferences from them were irresistible.

Another great objection, and the greatest to his speech of yesterday, was his method of obtaining an average rate of the duties under the two systems. He took his average for two purposes—one comparative, the other positive—and to show that the present rate was low, and the former high. But his mode of obtaining his averages has been shown to be utterly fallacious and erroneous by the question put to him by the Senator from South Carolina, (Mr. McDUFFIE.) He asked him if he included free goods and specie? He answered yes! and his average was shown by that single answer to be one-half erroneous! For nearly half the goods imported, (and specie included,) sometimes more than half, were free; yet the Senator divides the whole duty, and puts half on the free, and then says the average is only so much! as if the price of the dutied article was really reduced one-half by that imaginary operation. Mr. B. said there had been years when the free goods had been seventy millions of dollars, and the dutied goods not more than fifty. He ap-

pealed to Mr. WOODBURY, who was Secretary of the Treasury at the time, to correct him if he was in error. [Mr. WOODBURY said he was right as to the free goods—they were seventy millions the year alluded to, and the dutied were between fifty and sixty.] Here, said Mr. B., is a case in which the free goods were the largest half; and yet the gentleman lumps them with the dutied, in order to get an average of the duties! Last year the free goods were a fraction over forty millions, counting twenty-four millions of specie. The Senator, in getting his average of about 20 per cent. for the duties, makes out that this specie paid near five millions of duty, and the goods about three millions—being eight millions of the revenue, or one-half the whole, borne by this free money, and these free articles, the greater part of which were free for the exclusive advantage of manufacturers. The Senator himself got the advantage of it, for he is a manufacturer; yet his mode of getting his average supposes that he paid 20 per cent. duty upon them; a supposition, I undertake to say, that took no money out of his pocket, and put none into the treasury. Let the Senator extend his principle, and he can bring his average much lower—as low as he pleases—to zero, in fact. He is only to include some millions of goods and specie, which were not imported at all, and which paid just as much of his average as the free goods and specie actually counted by him.

Mr. B. said this would never do. It would not do to lower the rate of duty—to reduce it one-half—by this fiction of supposing half to be where there was none. He had as well undertake to make the porter, who was staggering under a load of two hundred pounds, believe he was carrying but one hundred, by striking an average between his two hundred pounds and the nothing which his brother porter carried, who was walking by his side. He asked him what he thought would be the success of the experiment if he made a speech to the overloaded porter, to convince him that his load was but half; that striking an average between his overload and the other's no load, he would get rid of half the weight? Doubtless he would fail to convince the loaded man; and equally will he fail to convince the Senate or the country on this mode of reducing duties one-half.

The Senator from Rhode Island repeats the word *bamboozle*, which I used yesterday, and seems to stare at the word. It is not the first time it has been stared at in this chamber; but that does not prevent it from being an English word, of approved use, and impressive meaning. It is found in the last dictionaries, and in the classic writers. Richardson, Johnson, Swift, Dr. Arbuthnot, all use it. Bring me Richardson: it was brought, and Mr. B. read the word and the meaning—in Latin, *deludere*—in English, to delude, mislead, to cheat, to cozen, to deceive, to beguile. He then read several illustrations of the meaning of the word

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from the applications it received from classic writers. He said Dr. Arbuthnot uses the term thus:

"There are a set of fellows they call banterers and *bambooslers*, that play such tricks."

Dr. Johnson uses it thus, in the *Tatler*:

"But, says I, sir, I perceive this to you is all *bamboozling*; why, you look as if you were Don Diego'd to the tune of a thousand pounds."

The poet King, author of the *Stumbling Block*, uses it in this way:

"This whimsical phenomenon,  
Confounding all my pro and con,  
*Bamboozles* the account again,  
And draws me *solens solens* in."

These are good illustrations of the meaning of the word, and very applicable to our present disputation; but the illustration given from Swift is so much more applicable, that it seems to be made for the present occasion. Swift is charging Nicholas Frog, as the French were at that time called by the English, (for it is a part of the system of the English to vilify those with whom they mean to go to war,)—Swift is charging the French with a design to cheat the English by confusing the national accounts, and shifting sums from the right side to the wrong, and thereby always bringing out a balance to suit himself. This is Swift's illustration:

"After Nic. had *bamboozled* John awhile about the 18,000 and the 28,000, John called for counters; but what with *sleight-of-hand*, and taking from his own score and adding to John's, Nic. brought the balance always on his own side."

This, with all due respect, is exactly what the Senator from Rhode Island is doing with his average; and by just letting him shift the 18,000 and the 28,000 this way—just take half from where it is, and put it where it is not—he can always have the balance in his own favor. He can make his average duties under the act of 1842 as low as he pleases.

But I am not done with this average. There is another deception in it nearly as gross and flagrant as that of including the free goods to make it up. I speak of the minimums. These are false valuations by law; and all averages, or any thing else drawn from them, are erroneous. They fix an arbitrary value; and every thing below that is dutied as being of that value. There are many of these minimums in the act of 1842. I will take one for the sake of illustration—the article of cotton goods.

By the act of 1842, there are no less than three minimum valuations prescribed for cotton goods, or of which cotton is a component part; 30 per cent. being the duty on all. The first minimum is on plain white cottons, and requires all that cost less than 20 cents the square yard to be valued at 20 cents, and to be dutied accordingly. Now everybody knows that much of this plain cotton costs but 10 cents, and much of it but 5 cents a yard.

Therefore that which costs 10 cents pays 60 per cent. duty; that which costs 5 cents pays a duty of 120 per cent. Printed cottons costing less than 80 cents a square yard are to be valued at 80, and to be taxed accordingly. Now it is known that much of these prints, or calicoes, cost but the half, and the third, and the fourth part of 80 cents a yard. Consequently they pay as 60, or 90, or 120 per cent. on the real value. Again: velvets, cords, moleskins, fustians, buffalo cloths, and napped cottons of all kinds costing less than 35 cents the square yard, shall be valued at 35 cents per square yard, and shall pay duty accordingly. The same remark applies to this description of goods: much of them cost but the half, the quarter, and the third of this amount at which the law values them; consequently such goods pay twice, or three times, or four times 80 per cent. on their value; and a merchant of Philadelphia has informed me that under this iniquitous minimum, which disguises the tax from the common observer, the *Austrian* which is worn by the laboring man pays a duty of 140 per cent.

What I have said of cotton minimums applies to others: they are minimums on a great variety of articles; and in every case the result is exactly the same—an arbitrary valuation, false in fact, and making all the low-priced goods—such as worn by the laboring part of the community—pay double, treble, or quadruple the amount of duty named in the act.

I object then, again, to the Senator's average. I tell him there is no truth in it, and that it can only deceive the ignorant.

The acts before the war had no minimums. That is a thing of modern invention. It is one of the great differences between the old system and the new, and renders it impossible to compare their averages together.

This being the case, how can an average be struck from the legal valuation, the minimum, without being utterly untrue? It is untrue, notoriously, flagrantly so; and it is in vain for the Senator to make averages, and parade them before the Senate, formed from such a data. It is all fallacious—all erroneous—and can deceive nobody but those unacquainted with the minimum iniquities.

But the Senator has two objects in his averagemaking: one to compare duties with the revenue acts before the war, the other to show how light the duties are under the act of 1842. What has been said shows how fallacious it is in relation to the act of 1842: one word will show how erroneous it is in relation to the old revenue duties. There were no minimums among those duties, to give false rates of duty! and the free goods and specie are included in his average of them, as well as of the others. And now, one word on these free goods. There are nearly one hundred articles free—almost the whole of them for the exclusive benefit of manufacturers; and yet the gentleman's inge-

nious mode of getting an average will suppose them all to be paying 20 per cent. duty.

Mr. SIMMONS declared that he had been opposed to minimums, and drew a report against them, and drew a bill from which they were excluded.

Mr. BENTON. I am glad to hear it; but I am not speaking of the Senator's report, or bill, but of the act that was passed—of the law that is in the book—and which has the minimums in it—and which minimums present false valuations, which the Senator has used in making up his average.

Here Mr. B. read the act, and the three minimums which it imposed on different classes of cotton goods, and all to the prejudice of the laboring classes. He dwelt particularly on cotton velvets, cords, fustians, moleskins, napped cottons, &c., supplying, in some degree, the place of coarse woollens, and worn by the laborer. He repeated that a merchant of Philadelphia had told him that fustians worn by day laborers in that city were subject to a duty of 140 per cent. under this deceptive minimum, which, on its face, purported to put 85 upon them. He stigmatized this as a cruel injustice upon the laboring part of the community.

Mr. SIMMONS declared that he had corresponded with merchants of New York—obtained the different prices of these articles—and then took an average, which he found to be 85 cents, and put that in the bill.

Mr. BENTON. Still the same thing—making averages, and then putting that average in a law for a minimum! Now an average is not a minimum nor a maximum; it is a half-way point; but the law makes it the lowest point—makes the middle the lower end! and then brings up all from below to that point to be taxed accordingly, while nothing from above is brought down to the minimum. It is all upwards, to make the tax the higher, and highest upon what is cheapest, and most used—in fact, wholly used—by the laboring part of the community.

Mr. SIMMONS entered into some statements about the price of moleskins, not distinctly heard; and showed some specimens of new goods, with their price, &c., insisting that the average taken for the minimum was not between extreme prices, but those just above and below 85 cents cost the square yard.

Mr. BENTON would go back to the real points: these were digressions. He had presented the great fact that seven millions of people in 1808, under the low duty system, had paid 16½ millions of revenue, while 18 millions, under the high duty system, with difficulty paid 18 millions. There was no dispute about the fact, and it was not for him to account for it. But it was easily accounted for. Every book of political economy showed that moderate duties were most productive, because they increased consumption, and diminished smuggling. This was a reason found

in the books. Another reason was found in the condition of the country, which was then rich and happy.

Mr. CRITTENDEN asked how could 48 millions of imports, which he believed were those of 1808, after deducting re-exportsations, pay 16 millions at the low rate of duty he mentioned.

Mr. BENTON. The imports of the year did not pay it, or only in part. The importations of previous years paid it, for there was a credit on the duties; and this (said Mr. B.) shows how vain it is to go by single years.

Mr. B. was done with this part of the subject: but there was another part of it which claimed his attention. He had listened to nothing with more pleasure this session, than to the indignant manner in which the Senator from South Carolina, (Mr. McDUFFIE,) in his first speech on the tariff, had denounced political legislation. He poured a stream of hot and burning eloquence upon the legislation which looked to presidential elections, and prostituted the halls of legislation and the law-making power, to the execrable business of putting up or putting down a presidential candidate. He (Mr. B.) concurred with him in the lofty and indignant feelings which he expressed, and had hoped that the Senate chamber would be free from the presence of that plague, which, like the frogs of Egypt, spread itself everywhere. The Senate had been free from it until this day; but the Senator from Rhode Island had introduced the presidential candidates—one for approbation—one for condemnation. He (Mr. B.) would not imitate him, nor follow him, but considered all that he had said on that subject, with the lamentations over the destruction of manufactures and ruin of laborers, to be the commencement of a panic—a cold-blooded, studied commencement of a panic—to be taken up out of doors, and ran through the land. This was mortifying and humiliating, and he profoundly regretted to see it. We had panics enough in the time of the old Bank of the United States; and the high-tariff champions all served their apprenticeship to panic making then. Destruction! ruin! loss of wages! loss of property! the bank the only saviour of the people! such was the cry in the bank panics! and, from the givings-out of this day, all this is to be repeated by the high-tariff party! and tariff now, like bank then, is to be the only means of saving the people from everlasting perdition!

Mr. SIMMONS rose simply to state, that in regard to what he had said, as to the Senator's arguments against millionaire capitalists, it was simply that, if they were destroyed, it would involve those dependent on them in their destruction. That was his argument; not that he applied to the Senator from Missouri any design of destroying the labor of the working-man; it was to the results of the Senator's propositions, he adverted. He had spoken of

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the effects of the Senator's doctrine. As to the tables he had produced, he explained that he had got those tables drawn up, with the view of contrasting the averages of the first twenty-five years, with the averages of the last twenty-five years; and having included in both the free goods, he could not see that it made any essential difference, the same thing being done for the last period as for the first. He made further explanations in relation to his tables. As to minimums, he said he had reported against them, as chairman of the Committee on Manufactures, when the tariff of 1842 was under consideration, and in favor of the home valuation, and of averages being taken for computing duties. Under the bill which he reported, the averages would have been fairly made. He had endeavored to make them correct; and, with that view, had sought for the best information the country could afford. As an instance of the fairness of his averages, he would take molasses, set down at twenty-two cents, with a duty of 25 per cent.

The present value of molasses in the New York market, is twenty-six to thirty cents; under his bill, had it been adopted, he would take twenty-eight cents as the average: putting 25 per cent. on that, it would be seven cents; but take the third of the value, and it would be nine cents more than the rate of duty he had proposed.

He had always said that the minimum principle was not the fair way of getting at the value, but it was the only way in which frauds on the revenue could be avoided or guarded against. In reference to what he had said of the effects of the doctrine of the Senator from Missouri, he would repeat that, if the substantial articles of life were allowed to come in free, the effect necessarily must be to destroy the industry of the country, because these necessities were the products of this country itself. His (Mr. S.'s) ground was, that, if the Senator carried out his own views, the effect would be to destroy the interests he wished to protect.

Here an informal conversational discussion, in an under tone, took place, relative to the manner of taking the averages according to the bill Mr. SIMMONS had reported in 1842, Messrs. SIMMONS, BENTON, CRITTENDEN, and others, from their seats, making incidental observations touching particular items.

Mr. McDUFFIE made a short explanation, not distinctly heard in the gallery, but understood to be a correction of a mistake he had made in relation to a particular duty being 10 per cent. which he had since discovered to be 15.

Mr. CHOATE next obtained the floor, and expressed a wish that the subject could be postponed to some day next week. He presumed it could not proceed to-morrow, or next day, without interfering with the post-office bill.

Several suggestions were informally made as to the day of postponement; but at length it was understood that, by laying the pending question on the table, it could be called up any day Mr. C. was ready to proceed with his remarks.

On motion by Mr. CHOATE, the pending question was, in conformity with this understanding, laid on the table.

The Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 28.

*Army Appropriations.*

On motion of Mr. HOPKINS, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. WELLER in the chair) and proceeded to the consideration of the bill making appropriations for the support of the army, for the fiscal year, commencing on the 1st day of July, 1844, and ending on the 30th day of June, 1845.

The pending question being upon the amendment offered by the gentleman from Ohio—

Mr. COLES said he could not consent, under any circumstances, to vote against a measure of retrenchment without explaining the reasons for such a vote.

It had been said that these officers are unnecessary. If he was convinced that they were unnecessary, he would not hesitate an instant; but he had taken occasion to inquire into the matter, and was fully convinced that a more improper course could not be taken than that of making, from time to time, hasty and irregular changes in the army. It was said that there were 70 officers who were altogether useless—who had nothing to do. But was this the case?

By the report from the adjutant-general, there are 70 graduates from West Point called supernumerary. There are 110 captains and subalterns absent from their regiments—not all on furlough, as has been stated, but absent for the following reasons: 37 on duties of the general staff; 20 at West Point, as professors, commanders, &c.; 5 on special service; 12 sick; one suspended by general court-martial; 25 on furlough—making 110. Fifty-eight of the above supernumerary officers are attached to companies in the place of officers absent as above stated; and the other 12 supernumeraries are attached—1 to the engineer corps; 4 to the topographical corps; and 7 to the ordnance corps; making up the whole 70 on active duty. The Military Academy would furnish 25 in addition after July next, but the deaths, resignations, and other causes, would create more vacancies than could be supplied by the 25. In his estimation, it would be an act of extravagance to disband officers who have been prepared for the service at great expense, and, at the same time, to continue to prepare others at the Military Academy.

Mr. C. referred to the condition of the country during the last war with Great Britain, when it was so destitute of military information that they could scarcely get books on military science, and had to employ British deserters to teach the officers the plainest duties. Indeed, after the war, they had to send to Europe for an engineer, who had cost the government millions of dollars. The object in forming the peace establishment, was to have an army so constituted as to keep alive some military knowledge in the country. The principle adopted in 1821 was to reduce the army to the lowest limits required to keep alive that military knowledge, to garrison the posts, to guard the Indian frontiers, and to have an army which could be expanded to double its force in case of emergency. That policy had been continued till this time. If this policy was a bad one, let it be abandoned, and not only reduce these second lieutenants, but reduce the whole army. To be consistent in making this reduction, they should also reduce the two regiments of dragoons into one, reduce the artillery one-half, and reduce the eight regiments of infantry into four. One-half of the number of officers might then be disbanded.

He was of the opinion that the present military establishment was the cheapest as well as the most efficient that could be adopted, and he was unwilling to alter it. As a measure of economy, he was satisfied that the amendment would not produce the results that the gentleman who advocated it contemplated. For the purposes of retrenchment, he was going much farther than this amendment proposed, and for correcting the abuses and reducing the extravagances in the army which had hitherto remained untouched. If they took up this little matter alone and let others of more importance remain untouched, they would accomplish nothing valuable in the way of retrenchment. There were extravagances and abuses in the army which ought to be put an end to, but they principally arose from the injudicious legislation of Congress.

In the first page of the estimates of the Secretary of War, the estimates for the army proper amounted to only three millions; but there were other objects of expenditure, which he had not heard the greatest advocates for economy complain of. Were there not gentlemen here who were complaining of the extravagances of the army, who were ready to vote for a large portion of the estimates under the army head, which did not properly belong to the army—such as for harbors and rivers, pensions to widows and soldiers, and expenditures for the Indian service? He found many gentlemen, whose remarks were calculated to throw odium on the army, always voting for one or all of these objects.

Mr. C. said that, instead of cutting down these supernumerary officers, the cheapest course would be to reduce the number of cadets at the Military Academy to 150, and by

this means, the supernumeraries would be absorbed in the army in the course of a few years. He would also reduce the number of professors at West Point, and in this way an annual amount would be saved equal to that proposed by the amendment.

Mr. DANA made some remarks in favor of the amendment, and contended that the number of officers in the army was too great in proportion to the number of privates. The supernumeraries were unnecessary, as it appeared that they were performing the duties of the commissioned officers who were absent.

Mr. D argued that this was the proper time for retrenchment, if the House intended any measure of that kind, and that, by waiting for another bill, they would lose the opportunity altogether.

Mr. CARROLL deprecated these attacks on the officers whose employment was under consideration, without proof that they were unemployed; and he justified their retention on the ground that it was the duty of this country in peace to prepare for war.

Mr. THOMAS SMITH spoke in favor of a diminution of the public expenditure; and hence he was in favor of the amendment of the gentleman from Ohio. He was of opinion that if the House waited for the bill of the gentleman from South Carolina, these reforms would never be effected; for they could not possibly have any assurance that that bill would come up before the end of the session, when it would be too late to receive the mature consideration of the Senate. He hoped the committee would adopt the amendment now proposed; for it was not inconsistent with the bill of the gentleman from South Carolina, for which he (Mr. S.) should also vote, when it came up. He was in favor of a thorough organization of the army, but he was opposed to an army of officers without men; for it was inconsistent with the principles on which a republic was based. He believed, if war should come, it would be much easier then to obtain officers than fighting-men. He was not one that believed that science alone was necessary to do our fighting; but he believed that such science had been brought to great perfection amongst our people; so that science could be found amongst them, and a sufficient number of men that would fight as bravely, and exhibit as much skill as any of those who were educated at West Point.

The gentlemen who were educated at West Point under such circumstances would have to be set aside, for they were not qualified for the battle-field; and he should, therefore, vote for the amendment. It had been asked what those young gentlemen were to do? to which he replied, that they should be content with the education and the consequent advantages which the country had given them, without being thrown as a burden on the country in the time of peace, with their servants and forage. There were the various professions of

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the country open to them, and they should labor for themselves, as others of our citizens were compelled to do. If, however, no profession was open to them, let them carry their scientific attainments into agricultural pursuits, in which they might be made available both to their own and to their country's interests. But there was another reason why he should give support to this amendment. He was desirous to diminish the appropriations, and the amendment would reduce the proposed appropriations of this bill some \$80,000 or \$90,000.

He did not desire to embarrass or detain the committee, for he felt convinced that it was the intention of the House to come up and make this retrenchment, and dispense with these unnecessary and supernumerary officers. He had the intention of proposing another amendment, if in order, that in the event of promotions becoming necessary in consequence of the excision of these supernumeraries, such promotions should be made from the line of the army. Whenever a young man was found who had recommended himself by his service in the ranks for four or five years, he should be placed in the line of promotion. This was the way to give character and standing to the army.

Mr. BREngle said he desired to occupy the attention of the committee but a moment. They were called on now to make an appropriation of money for the public service, and he held it to be a valuable maxim where money was to be appropriated, to know beforehand that it was actually required for the public service. It was not incumbent on the advocates of the proposed amendment to establish the proposition that these officers, who, in the technical language of the Army Register, were called supernumeraries, were useless; but it was incumbent on those who advocated the expenditure of the money to establish the converse of the proposition, and satisfy the House that the public service required the expenditure; and unless the public service did require it, they had neither the right nor the authority to expend it.

He was for maintaining such an army as the exigencies of the country required. Thus far would he go as willingly as any member of the House, but not an inch beyond it. He made no sounding phrases about retrenchment or useless expenditures. If the public service required millions, he would vote millions. This was his notion of the duty incumbent upon him in reference to the question before the House. He would vote for the amendment.

Mr. HUNT said he did not rise to prolong the debate. He merely desired to offer an amendment to the amendment. It would be borne in mind that these supernumeraries, when they entered into the service, came under an engagement to serve the country for a term of years, which is not yet expired.

He did not contend that it was strictly a legal contract which could be enforced upon technical grounds in a court of law, but the good faith which every Government was bound to observe would dictate the strict observance of the implied terms of such contract. Mr. H. proposed to amend the amendment by adding the words, "who shall have served for a longer period than the term of their original engagement."

Mr. PATTERSON said he agreed with the gentleman from Maryland, that if there was no necessity for the supernumerary officers, they should make no appropriation for them. But he had received a memorandum from the head of the army, in which it was stated that there were 69 supernumeraries, and that they were all as fully employed as any of the officers were. The great bugbear seemed to be that they were called supernumeraries.

Mr. McDOWELL referred to the law of 1819 to show that this corps of supernumerary officers was designed to fill the vacancies occurring from year to year in the army.

Mr. MoD. said it was plain that when that law was framed, it was never contemplated that seventy or eighty supernumerary officers should be quartered on the Government in time of peace, at enormous expense; and that the President, in retaining them in service, had misconstrued it. Mr. MoD. then went on to say, that it was the solemn and imperative duty of the House to lighten the burdens of the people whenever they had the opportunity of doing so, and now they had the power of retrenching, they should not let the opportunity escape them by waiting for another bill. He would have preferred acting first on the bill of the gentleman from South Carolina, (Mr. BLACK;) but as the House had commenced on this, he was willing to go on with it. Holding himself at all times ready to apply the pruning-knife of reform, whenever it could be done without detriment to the public service, he would vote for the amendment of the gentleman from Ohio. In giving this vote, however, he disclaimed any intention of casting the slightest imputation on the officers who were educated at West Point. He believed the majority of them to be very deserving young men, and many of them had behaved with great gallantry in their country's service in Florida. His object was to retrench the public expenditures as far as it could be done with advantage; and he had no reference to individuals.

Mr. SAMPLE supported the amendment; and argued that the supernumeraries ought to be discharged, as it was evident that there was no real use for them. He thought it would be better for these young men, who had received good educations at the public expense, to send them out into the useful and active employments of life, rather than that they should live in idleness in the pay of the Government, and contract vicious habits.

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Mr. PATTERSON asked leave to explain. He had stated before, on official authority, that these officers were actively and usefully employed in filling the places of those officers who had been drawn from the army to do duty in the staff, or at West Point.

Mr. E. J. BLACK opposed the amendment with much earnestness, contending that there was ample employment for these supernumerary officers, and that it was necessary to keep them in service to fill the vacancies in the army as they occur.

Mr. J. A. BLACK asked the permission of the House to make some statements which he had taken from the Army Register. The number of officers of the line employed on staff duty was 64, viz., on the general staff, 35; at the military academy, 20; and on special service, 9;—making 64 in all. In the regiment of dragoons, there were 8 company officers, and 61 non-commissioned officers, musicians, and privates, or 20½ privates, to each company officer. In the artillery, there were 4 officers, and 50 non-commissioned officers, musicians, and privates, or 12½ privates to 1 company officer. In the infantry, there were 8 company officers, and 52 non-commissioned officers, musicians, and privates; or 17 privates to 1 commissioned officer. Of the 64 staff officers from the line, there were 37 from the artillery, who have 40 supernumerary first lieutenants; and, therefore, every company in that arm had three company officers, and three to spare. The other 27 staff-officers form the ten regiments of dragoons and infantry, embracing one hundred companies; and, therefore, one-fourth of these companies have but two company officers; but, by the bill he (Mr. B.) had submitted to the House, eight of these twenty-seven officers were returned to the line; so that these ten regiments would have to furnish about two officers to the staff from each regiment. Now, he learned, from very good authority, that our very large staff, which he in no way condemned, was got up with the understanding that a great part of it could be spared from the line, and at a small increase of expense. He had no objections to the staff. He believed it to be essential to our skeleton organization, and would prove more valuable in an emergency than any other part of the army. By the organization of the army there were 738 commissioned officers, 600 sergeants, 560 corporals, 14 sergeant majors, and 14 quartermaster sergeants—making 1,921 commissioned officers and non-commissioned officers. There were 302 musicians, 100 artificers and blacksmiths, 250 enlisted men of ordnance, and 6,040 privates. Taking the whole number of commissioned officers and non-commissioned officers, there were about one commissioned officer and two non-commissioned officers to ten privates, without counting the supernumerary second lieutenants. He made this statement, Mr. B. said, without any unkind feelings to these supernumerary officers, and without

any hostility to West Point. His object was to curtail the expenditures of the Government, and lop off all offices that could be dispensed with without injury to the public service. While up, he would state that the bill reported by him for reducing the expenses of the army had been printed and just laid on the tables of the members, and he would ask the indulgence of the House to read the 12th section of it. Mr. B. then read the 12th section of the bill as follows:

SEC. 12. *And be it further enacted*, That the fourth section of the act entitled "An act making further provision for the corps of engineers," approved April 29, 1812, be, and the same is hereby, repealed; and that the President of the United States shall forthwith discharge all the supernumerary second lieutenants from the army of the United States; but nothing herein contained shall prevent him from appointing any of the supernumerary second lieutenants to such vacancies as may hereafter occur in the army of the United States; and it is further provided, that each supernumerary second lieutenant, discharged under this act, shall be entitled to receive three months' extra compensation, agreeable to his present pay and emoluments.

He concluded with the observation that he had no unkind feelings towards these young officers, and was only actuated by a desire to protect the interests of the country.

Mr. McKAY explained what had been the legislation on this subject from the establishment of this Government, for the purpose of showing that the number of commissioned officers was greater to each company, in proportion to the number of men, than hitherto employed, and that many of these officers were unnecessary. He, however, stated that under existing circumstances, the Committee of Ways and Means, of which he was chairman, could not avoid making an appropriation for these officers; they had no discretion to do otherwise than they had done, though the committee were of opinion that there was no necessity for at least a part of their supernumerary lieutenants. The Committee of Ways and Means, however, directed him to report a resolution to the House, at an earlier part of the session, by which the Committee on Military Affairs was instructed to inquire into the expediency of discharging all, or a part, of those supernumerary lieutenants. That committee has not yet made any specific report to the House; but that the Committee of the whole House might understand the ground on which his opinion was predicated, he would briefly advert to the state of the army, and its organization at various periods.

He then quoted various enactments, and amongst other things, showed that, in 1786, when the first act was passed on the subject, there was one captain and two lieutenants to each company of sixty privates. In 1798, the number of officers were still three, and the number of privates fifty-two. In 1800, the



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*Report from the Commissioner of Public Buildings.*

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number of officers was the same, and the number of privates ranged from eighty to ninety; and it was only during the war that the number of company officers was increased to four. In 1815, for the first time, the number authorized to be employed was five, that being the close of the war; but the number of privates was then one hundred. But now there were five officers for each company of forty-two men, irrespective of these supernumerary lieutenants. He spoke of the manner in which the President of the United States had attached these supernumerary officers to the artillery corps, and likewise to the engineer corps and ordnance department; and read extracts from a work on the condition of the British army, by which it was shown that five commissioned officers were deemed too many for each company of British soldiers. He said he believed there was no necessity for so many of these supernumerary lieutenants; he believed four commissioned officers to command 42 men, composing each company of artillery, were sufficiently ample, but he would not propose to reduce them; he did, however, think the committee should be cautious how they acted in the manner proposed by the gentleman from Ohio. He trusted they would not precipitate action, and suggested that the amendment of the gentleman from Ohio should be withdrawn or voted down, and that the then appropriation should be reduced by the \$80,000 reported for the supernumerary officers, and that the appropriation for them should be made a part of the bill from the Committee on Retrenchment, on a discussion of which the House could determine what change should be made, and what appropriation should be voted. That course would impose a moral constraint on the House to act on the bill of the Committee on Retrenchment, and would avoid the evil of encumbering the bill now before the committee with propositions for a reorganization of the army.

Mr. BRINKERHOFF opposed the suggestion of the chairman of the Committee of Ways and Means.

Mr. HAMLIN followed on the same side.

Mr. HAMMETT opposed the suggestion of the chairman of the Committee of Ways and Means.

Mr. McKAY said he had trusted that the committee would vote down the amendment of the gentleman from Ohio; and if a majority agreed with him that a part, at least, of the number of these officers ought to be reduced, the amount inserted in the bill should be reduced; and afterwards, if it were considered necessary, the whole number might be dispensed with.

The debate was further continued by Messrs. ADAMS and O. JOHNSON.

The question was then taken on the amendment to the amendment, and negatived.

The question recurred upon the amendment of the gentleman from Ohio, and tellers were

appointed, who reported 84 votes in the affirmative and 29 in the negative.

So the amendment was adopted.

Mr. THOMPSON said he regarded this vote as an index, that the committee were in favor, to some extent, at least, of the report of the Committee on Retrenchment; inasmuch as that report proposed a considerable reduction, and as those reductions could not be made in an appropriation bill, he hoped the bill would be laid aside, and that the bill (No. 256) for the regulation of the pay of the army would be taken up.

Mr. HOPKINS moved that the House adjourn; which motion was carried, and

The House adjourned.

## IN SENATE.

TUESDAY, April 2.

*Report from Commissioner of Public Buildings.*

The PRESIDENT *pro tem.* laid before the Senate a report from the Commissioner of Public Buildings, made in compliance with a resolution of the Senate, transmitting statements of the amount of moneys received by the Government for lots sold in Washington City. The following statements were copied from the report of the Commissioner, viz:

It appears from the records in his office that there were assigned to the United States by the original proprietors, lots to the number of 10,186; and that there have been sold of that number for public purposes, 7,610 for the sum of \$765,676 44.

The number of lots conveyed under donations from Congress, to charitable and literary institutions, were 771, and valued at \$70,000, viz:

For the Orphan Asylum 29 lots valued at	-	\$10,000
" Sisters of Charity 70 "	"	10,000
" Columbian College 182 "	"	25,000
" Georgetown do. 490 "	"	25,000

There remain unsold at this time 1,755 lots, which, at the present assessment, are worth \$64,153 89.

There are 21 avenues and 116 streets. The avenues vary from 120 to 160 feet in width; the streets from 80 to 160 feet in width, and embrace a distance of 228 miles.

The streets and avenues contain 2,654 acres, or 115,608,240 square feet of land, and were transferred to the Government without any pecuniary compensation for the same.

The quantity of land reserved for the use of the United States, in the division of the same between the United States and the original proprietors in the City of Washington, was 541 acres 1 rood and 29 perches, or 23,584,745½ square feet. The reservations were 17 in number, as follows:

1. The President's square, on which are erected the President's mansion and the State, Treasury, War, and Navy Departments

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*The Military Academy.*

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	A.	R.	P.
2. Capitol square and mall, (Capitol,) -	227	0	8
3. The park - - - - -	29	3	9
4. University square (new observatory) - - - - -	19	1	2
5. The fort at Turkey Buzzard (Greenleaf's) Point (arsenal and penitentiary) - - - - -	28	2	31
6. The west market on the Potomac, covered with water. - - - - -			
7. The centre-market (market-house) - - - - -	2	3	23
8. The national church square (patent office) - - - - -	4	0	25
9. Judiciary square (city hall, new jail, and insane hospital) - - - - -	19	1	27
10. North of Pennsylvania avenue between 8d and 4½ streets west - - - - -	6	0	31
11. Between North B and O streets and 2d and 3d streets west - - - - -	3	3	34
12. North of Pennsylvania avenue between 2d and 3d streets west - - - - -	1	1	04
13. Hospital square (magazine and almshouse) - - - - -	77	0	23
14. Navy-yard square, (navy-yard, &c.,) - - - - -	12	3	15
15. Eastern market-house (market-house) - - - - -	1	0	21
16. Do. do - - - - -	1	0	23
17. The town-house square - - - - -	21	1	29
Total - - - - -	541	1	29

For these the Government paid at the rate of \$66½ per acre, amounting to the sum of \$36,099, from money arising from the sale of city lots. These reservations were all carefully selected by President Washington for public purposes. It was his intention that the larger ones should be substantially enclosed, and planted with ornamental shade trees, and that there should be gravel walks and carriage ways for citizens and strangers to exercise on foot, on horseback, or in carriages, for health or recreation.

On motion by Mr. JARNAGIN, the report was ordered to be printed.

WEDNESDAY, April 3.

*The Military Academy.*

Mr. BREESZ remarked that, having been, unfortunately, out of his seat on the morning of yesterday, when the bill for the support of the Military Academy at West Point was passed, he had been deprived of the opportunity of calling for the yeas and nays, and thus recording his vote against the passage of the bill. He stated that he was under instructions by the General Assembly of his State to give such a vote, and it entirely accorded with his own views to do so. He was opposed to the institution, and hoped the vote by which it was passed would be reconsidered by the Senate.

The CHAIR remarked that the motion would come up in its order.

Mr. ALLEN then, when the time had arrived, moved the reconsideration.

Mr. EVANS remarked that the motion to reconsider could be made a test vote.

Messrs. ALLEN, KING, and SEMPLE maintained that a vote on its reconsideration could not be considered a test vote. The merits of the bill could not be involved upon a vote to reconsider. Mr. KING said he would vote for the reconsideration, yet he was friendly to the passage of the bill, and should vote for it. The courtesy of the Senate had always accorded to Senators an opportunity to record their votes against a measure which they had been instructed to vote against, as was the case of the Senators from Illinois. He expressed a hope, therefore, that the Senator from Maine would withdraw any opposition to the motion to reconsider.

After some further remarks of a conversational character,

Mr. EVANS withdrew his objection, and the vote was reconsidered; and the question recurring on the passage of the bill—

Mr. BUCHANAN said that he intended to vote for the passage of the bill; and he chose to place his vote upon the principle that an appropriation bill was not the proper place to consider and discuss the propriety of abolishing an institution which had so long existed as the Military Academy at West Point. We provided by such bills merely for the appropriation of the money necessary to carry into execution existing laws; but when we desired to repeal, or change these laws, we passed separate bills for this purpose. Now, (Mr. B. said,) that should any bill come before the Senate for the purpose of repealing, modifying, or altering the laws established in the Military Academy, he would come to the consideration of the subject with a mind perfectly uncommitted by the vote which he intended to give upon the present occasion. Whilst the academy existed under acts of Congress, especially after the other House had passed an appropriation bill in obedience to these acts, he would not, during their continuance, abolish the academy suddenly and without consideration, by withholding the appropriation necessary for its support. This was not the proper mode of accomplishing the object; and he had always opposed such legislation in a mere appropriation bill.

Mr. BREESZ demanded the yeas and nays on the passage of the bill. They were ordered, and taken. The result was as follows:

YEAS.—Messrs. Barrow, Bates, Bayard, Berrien, Buchanan, Choate, Clayton, Crittenden, Evans, Foster, Francis, Fulton, Huger, Huntington, Jarnagin, King, McDuffie, Mangum, Morehead, Phelps, Porter, Sevier, Simmons, Tallmadge, Upham, Woodbridge, and Wright—27.

NAYS.—Messrs. Allen, Atchison, Atherton, Bagby, Breese, Colquitt, Fairfield, Hannegan, Semple, Tappan, and Woodbury—11.

So the bill was passed.

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*Pay of the Army.*

[APRIL, 1844.]

THURSDAY, April 4.

*Military Academy.*

Mr. BREKESE gave notice that he would on tomorrow ask leave to introduce a bill to repeal all acts and parts of acts relating to the Military Academy at West Point, New York.

## HOUSE OF REPRESENTATIVES.

THURSDAY, April 4.

*Pay of the Army.*

On motion by Mr. COLES, the rules were suspended, and the House resolved itself into Committee of the Whole on the state of the Union, Mr. WELLER in the chair. The committee then resumed the consideration of the bill regulating the pay of the army, and for other purposes.

Mr. HOLMES submitted the following amendment:

*Be it enacted*, That hereafter no officer or private soldier in the army of the United States, shall be compelled to attend any public religious worship, where the doctrines of the church to which said officer or soldier may be attached, are opposed to such form of worship.

Mr. H. explained that his reason for offering this amendment was, that several cases had occurred in which Roman Catholics had been compelled to attend Protestant places of worship, which they were conscientiously opposed to; and, in one case, a soldier, for persisting in refusing to enter a church, to the religious tenets of which he was opposed, was marched back to the barracks, and there put in confinement, to await his trial by a court-martial. While he approved of the soldiers attending places of religious worship, yet he thought that, where a man entertained conscientious scruples against entering a particular church, he ought not to be compelled to do so.

Mr. PETTIT offered the following amendment to the amendment:

*Provided*, That no officer, soldier, or sailor in the service of the United States shall be compelled to attend upon any form of religious worship.

Mr. P. addressed the committee in support of his amendment, and expressed his objections to a soldier being compelled to go to church at all.

A message was received from the Senate by the hands of A. Dickins, Esq., informing the House that the Senate had passed various bills, amongst which were the bill making appropriations for the West Point Military Academy for the fiscal year ending the 30th June, 1845, and a bill making appropriations for the fortifications of the United States for the same period, the latter with an amendment.

Mr. PETTIT then resumed his speech, and spoke at some length in support of his views on the subject under discussion.

Mr. J. A. BLACK opposed the amendment.

Mr. HALE proposed to modify the amendment, and spoke in favor of his proposition. The Constitution of the United States provided that Congress should pass no law respecting the establishment of religion; and believing that Congress had no power to compel anybody to attend any form of religious worship, he was opposed to the latter clause of the amendment, and therefore had proposed to strike it out. That religion alone was true and acceptable which came from the heart; and hence he was opposed to religion being a part of the soldier's drill. The Christian religion did not depend on the aid of the sword or of legislation; and he was, in consequence, opposed to its being made a part of military discipline.

Mr. HUNT, of New York, regretted that a proposition had been offered to the House which would serve as a pretext for the exhibition of blasphemy, and the ridicule of the Christian religion, to which they had been compelled to listen, from the gentleman from Indiana. He did not conceive it to be necessary to say a word in defence of the Christian religion, after the manifestation of the feeling of the House on Saturday last; but he expressed the hope that the proposition which had been submitted would not receive the countenance of the committee.

The question was then taken on the amendment of the gentleman from New Hampshire, and it was negatived, as was also the amendment of the gentleman from Indiana. The question recurred on the amendment of the gentleman from South Carolina.

Mr. CARROLL rose, but not because he apprehended any danger existed of the adoption of the amendment: he rose to say that he did not deem such a regulation necessary, for he could not conceive that any officer would violate the conscience of any soldier, by compelling his attendance on a form of religious worship to which he was conscientiously opposed. He had risen also to express the great mortification he had felt at the attack upon religion to which they had listened. Was it believed by any member of that House, that the influences of the Christian religion were not as salutary upon our soldiers and our sailors as upon the private citizens of this country? He hoped no such opinion existed there; for the influences of the Christian religion were beneficial to every class.

It took away from temptations to vice in private, and still more did it do so in the army; and just in proportion as it was observed, would the bravery, the discipline, the regard for virtue in every respect, be promoted. The history of the world was conclusive upon this point. Wherever the system had extended, its benefits were manifest; and just in proportion as its observance could be inculcated in the army, just in that proportion would vice be diminished. He did not propose to detain the committee, but merely to express his hope that the amendment would be rejected.

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Death of Hon. Heman Allen Moore.

[28TH CONG.]

The question upon the adoption of the amendment was then taken, and decided in the negative.

Mr. BLACK moved that the committee rise, and report the bill.

The bill was then read a third time; and the question being on its passage, the yeas and nays were called for, and ordered; and being taken, resulted—yeas 109, nays 86.

## IN SENATE.

MONDAY, April 8.

*Death of Hon. Heman Allen Moore.*

Immediately after the reading of the journal—

A message was received from the House of Representatives, by their clerk, announcing the death of the Hon. HEMAN ALLEN MOORE, a representative in Congress from the State of Ohio, and the adoption of resolutions testifying the respect of that body for the memory of the deceased; which being read,

Mr. TAPPAN rose, and addressed the Senate as follows:

Mr. President: The message from the House, announcing the death of my honorable colleague of that body, imposes on me the solemn and painful duty of moving the honors usually paid to the memory of those who, having been our brethren in the public service, have left us to pass that bourne whence no traveller returns.

HEMAN ALLEN MOORE was a native of the town of Plainfield, Vermont. His parents were respectable, but poor. He was a self-educated man. About six years ago he removed to Ohio and settled with his family in the city of Columbus. He had chosen the law for his profession; but being poor, he sought and obtained employment as a schoolmaster for present support. His learning, his talents, and correct deportment, soon gained for him the good will of the society around him; his business as a lawyer increasing, he devoted his whole attention to its labors; and such was his character and standing, that before he had lived in the State six years, he was promoted to the office of adjutant-general of her militia. At the last election for member of Congress in Ohio in the Columbus district, in which were many able men who were candidates for nomination, he was preferred to all his competitors, and was elected by the people.

General MOORE had not been many weeks attending Congress, until he was compelled by disease to devote his whole care to his own preservation; he so far recovered as to attend again in a few days in the House, but it was evident that he was exerting himself beyond his strength; the advice of his friends coincided with his own opinion that a visit to his family, the exercise of the journey, and the repose and kind attentions he would there receive, would restore his health. It was a mistake; for, from the time he left here, his strength declined; and

when he arrived there on the 31st of March, it was evident that he had returned to his family but to die in their embraces. On the 8d of April he expired.

General MOORE was a well-educated man. Though not blest with a hardy frame and robust health, he possessed great intellectual energy. His death at the early age of thirty-four is a calamity to his family, and a great loss to the State which had adopted him. His political opinions were soundly democratic. Of his opinions upon theological subjects, nothing is known. His character was pure and virtuous; we may therefore conclude, that

"For forms of faith while graceless bigots fight,  
His can't be wrong whose life is in the right."

Mr. T. concluded by submitting the following resolutions:

*Resolved*, That the Senate has received with deep sensibility the communication from the House of Representatives announcing the death of the Hon. HEMAN ALLEN MOORE, a representative in Congress from the State of Ohio.

*Resolved*, That in token of sincere and high respect for the memory of the deceased, the members and officers of the Senate will wear crape on the left arm, as mourning, for thirty days; and as a further remark of respect,

*Resolved*, That the Senate do now adjourn.

The question was put, and the resolutions being unanimously agreed to,  
The Senate accordingly adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, April 8.

*Death of Hon. Heman Allen Moore.*

Mr. WELLER rose and spoke as follows:

Mr. Speaker: Death has again been amongst us. Another of our associates has been taken from this hall, and transferred to another, and, I trust, a better world—to a "house not made with hands, eternal in the heavens." My colleague, the honorable HEMAN ALLEN MOORE—who, but a few days since, stood upon this floor as one of the proud representatives of a great and powerful State, now sleeps in the silent tomb; his spirit rests in the hands of the Creator. He died at his residence (Columbus, Ohio) on Wednesday morning, the 3d instant.

General MOORE came here at the commencement of the present session, apparently in good health; but after a few weeks labor in this hall, he was stricken by a disease which, although sometimes slow in its progress, never fails in the end to baffle the skill of the most successful physician. Consumption had fastened its fangs upon his vitals, and in a few short months of suffering, closed his career. He left this city for his family, with forebodings that his days were few, and that he would not live to return to his post. Notwithstanding his debility, it will be remembered that on the day preceding his departure, he was upon this floor,

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Death of Hon. Heman Allen Moore.

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warmly and zealously advocating and carrying through a bill, in which a portion of his immediate constituents felt a deep solicitude. It was the last act of his political life.

The deceased was a native of Vermont, where he received a liberal education; he studied law in Rochester, New York; and after completing his professional studies, and forming a matrimonial alliance, emigrated to Columbus, Ohio, where he maintained a respectable standing at the bar. At the time of his decease, he was about 34 years of age. After a residence of only six or seven years in that State, he was appointed adjutant-general; and a year afterwards, at the last congressional election, selected as the representative upon this floor of one of its largest and most respectable districts. Notwithstanding he was a young man, comparatively a stranger, and with no experience whatever in legislation, his stern integrity, his strict morality, his useful talents, and his unflinching perseverance, gave undoubted assurance that in his hands the interests of the people would never be compromised. I need scarcely say to those who witnessed his brief career as a representative, that this confidence was not misplaced.

It is, perhaps, difficult to engage actively, for any length of time, in the exciting scenes of party strife, without incurring the enmity of those whose interests, opinions, or feelings, may be counter to ours. Political differences too often affect our private relations, and convert into enemies those who, under other circumstances, would have been bound together by the strongest ties of friendship. General MOORE, however, had no enemies in this hall. Open, frank, and independent in the maintenance of those principles which he conscientiously believed were inseparably connected with the prosperity of the country, yet kind, courteous, and conciliatory towards those who differed with him, he gave offence to none. Whilst he enjoyed the unlimited confidence of his political friends, he always retained the respect and esteem of his opponents.

It is some consolation to his friends here to know that he reached home in time to receive the kindness and attention of his family in the "hour and article of death." He died not amongst strangers, in a strange land, far from his home and kindred; but in the bosom of his family, and surrounded by a generous constituency who had honored him with their confidence, and whose regard he so richly merited. An amiable and devoted wife hung over his bed of suffering, and smoothed the pillow of death. No condolence of ours, however sincerely offered—no tears of sympathy, be they ever so profusely shed, can heal the agonized heart of the bereaved widow. To her the loss is irreparable. He upon whom she had placed her hopes of happiness in domestic life—he around whom all the warm affections of her heart had been gathered, and whom she loved with all the enthusiasm and devotion of her sex—the

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father and protector of her three helpless children—has been torn from her bosom forever. The heart that once beat in unison with hers has ceased to pulsate forever. The eye of affection which once carried joy and gladness to her soul, has been closed by the cold hand of Death. The partner of her pleasures and pains—the idol of her heart, has gone to that land where "sin and sorrow are known no more"—"where the wicked cease from troubling and the weary are at rest." That God "who tempers the wind to the shorn lamb" can alone console and sustain her under this afflicting dispensation. May we not also hope that He who has promised to be a "father to the fatherless," will watch over and protect the helpless orphans left to mourn the loss of an earthly parent?

Day after day are we admonished of the certainty of death and the uncertainty of the time thereof. How often has the truth been forced upon our minds by impressive lessons, "that in the midst of life we are in death?" To-day the politician stands in this hall, the proud representative of a free people, commanding by his genius our respect, and engaging our attention; to-morrow comes a withering frost, and those lips of eloquence which could once arouse the soul to all the sublime feelings of patriotism and valor, become motionless and silent, to be heard no more. "The grass withereth and the flower fadeth." But a few days since my deceased friend and colleague sat by my side, watching over the interests of his constituents with a zeal that never tired, a vigilance that never flagged; to-day he sleeps in the silent grave; his voice has been hushed, and will no more be heard in this hall. This seat, which once knew him, will know him no more forever. He had but just commenced his career upon the busy theatre of life. Honored with a seat in the national councils, happy in his domestic relations, surrounded by kind and devoted friends, looking forward with high hopes of future honors and usefulness, he has been cut down in the morning of life by the unsparing hand of death. "Life's fitful fever is over," and no man shall see him more. Oh! "what shadows we are, what shadows we pursue." Should not the number of our associates who have been stricken down from our side within the last few months, admonish us of the littleness of our controversies here, the uncertainty of our sojourn on earth, and the necessity for being prepared to take our departure to that "bourne whence no traveller returns?" Let us be ready; for "no one knoweth the day nor the hour when the Son of Man cometh."

As a tribute of respect to the memory of our deceased friend and late associate, I offer the following resolutions, and ask their adoption:

*Resolved*, That this House has heard, with the liveliest sensibility, the announcement of the death of the Hon. HEMAN ALLEN MOORE, late a member from the State of Ohio.

*Resolved*, That this House tenders to the family and relatives of the deceased the expression of its

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*Rhode Island Revolution—Executive Interference.*

[28th CONG.]

sympathy on this afflicting event; and, as a testimony of respect for the memory of the deceased, the members and officers will wear the usual badge of mourning for thirty days.

*Resolved*, That, as a further testimony of respect, this House will now adjourn.

The above resolutions were unanimously adopted, and

The House adjourned.

TUESDAY, April 9.

*Rhode Island Revolution—Executive Interference.*

The SPEAKER laid before the House an executive communication, being an answer from the President to a resolution of the House of Representatives of the 23d of March last, in relation to the affairs of the State of Rhode Island, and the interference of the President therein during the struggle for a new constitution.

The Clerk read the Message as follows :

*To the House of Representatives :*

In compliance with a resolution of the House of Representatives of the 23d March last, requesting the President to lay before the House—

“The authority and true copies of all requests and applications upon which he deemed it his duty to interfere with the naval and military forces of the United States, on the occasion of the recent attempt of the people of Rhode Island to establish a free constitution in place of the old charter government of that State; also, copies of the instructions to, and statements of, the charter commissioners sent to him by the then existing authorities of the State of Rhode Island; also, copies of the correspondence between the Executive of the United States and the charter government of the State of Rhode Island, and all the papers and documents connected with the same; also, copies of the correspondence, if any, between the heads of departments and said charter government, or any person or persons connected with the said government, and of any accompanying papers and documents; also, copies of all orders issued by the Executive of the United States, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island; also, copies of all orders to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; also, copies of all orders to officers of revenue cutters for the same service; also copies of any instructions borne by the Secretary of War to Rhode Island, on his visit, in 1842, to review the troops of the charter government; also, copies of any order or orders to any officer or officers of the army or navy to report themselves to the charter government; and that he be requested to lay before this House copies of any other papers or documents in possession of the Executive, connected with this subject, not above specially enumerated.”

I have to inform the House that the Executive did not deem it his duty “to interfere with the

naval and military forces of the United States,” in the late disturbances in Rhode Island; that no orders were issued by the Executive, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island, other than those accompanying this message, and which contemplated the strengthening of the garrison at Fort Adams, which, considering the extent of the agitation in Rhode Island, was esteemed necessary and judicious; that no orders were issued to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; that no orders were issued “to the officers of the revenue cutters for said service;” that no instructions were borne by the Secretary of War to Rhode Island, on his visit in 1842, to review the troops of the charter government; and that no orders were given to any officer or officers of the army or navy to report themselves to the charter government. “Requests and applications” were made to the Executive to fulfil the guarantees of the constitution, which impose on the federal Government the obligation to protect and defend each State of the Union against “domestic violence and foreign invasion;” but the Executive was at no time convinced that the *casus federis* had arisen, which required the interposition of the military or naval power in the controversy which unhappily existed between the people of Rhode Island. I was in no manner prevented from so interfering, by the inquiry whether Rhode Island existed as an independent State of the Union under a charter granted at an early period by the crown of Great Britain, or not.

It was enough for the Executive to know that she was recognized as a sovereign State by Great Britain, by the treaty of 1783; that, at a later day, she had, in common with her sister States, poured out her blood, and freely expended her treasure, in the war of the revolution; that she was a party to the articles of confederation; that at an after day she adopted the Constitution of the United States as a free, independent, and republican State; and that in that character she has always possessed her full quota of representation in the Senate and House of Representatives, and up to a recent day, she has conducted all her domestic affairs and fulfilled all her obligations as a member of the Union, in peace and in war, under her charter government, as it is denominated by the resolution of the House of the 23d March.

I must be permitted to disclaim entirely and unqualifiedly the right on the part of the Executive to make any real or supposed defects, existing in any State constitution or form of government, the pretext for a failure to enforce the laws or the guarantees of the Constitution of the United States in reference to any such State. I utterly repudiate the idea, in terms as emphatic as I can employ, that those laws are not to be enforced, or guarantees complied with, because the President may believe that the right of suffrage, or any other great popular right, is either too restricted or too broadly enlarged. I also, with equal strength, resist the idea that it falls within the Executive competency to decide in controversies of the nature of that which existed in Rhode Island, on which side the majority of the people may be, or as to the extent of the rights of a mere numeral majority. For the Executive to assume such a power would be to assume a power of the most dangerous character.

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*The Tariff—The Compromise Act.*

[APRIL, 1844.]

Under such assumptions, the States of this Union would have no security for peace or tranquillity, but might be converted into the mere instruments of Executive will. Actuated by selfish purposes, he might become the great agitator, fomenting assaults upon the State constitutions, and declaring the majority of to-day to be the minority of to-morrow: and the minority, in its turn, the majority, before whose decrees the established order of things in the State should be subverted. Revolution, civil commotion, and bloodshed, would be the inevitable consequences. The provision in the constitution intended for the security of the States, would thus be turned into the instrument of their destruction. The President would become, in fact, the great CONSTITUTION-MAKER for the States, and all power would be vested in his hands.

When, therefore, the governor of Rhode Island, by his letter of the 4th April, 1843, made a requisition upon the Executive for aid to put down the late disturbances, I had no hesitation in recognizing the obligations of the Executive to furnish such aid, upon the occurrence of the contingency provided for by the constitution and laws. My letter of the 11th April, in reply to the governor's letter of the 4th, is herewith communicated; together with all the correspondence which passed at a subsequent day, and the letters and documents mentioned in the schedule herewith annexed. From the correspondence between the Executive of the United States and that of Rhode Island, it will not escape observation, that, while I regarded it as my duty to announce the principles by which I should govern myself, in the contingency of an armed interposition on the part of this Government being necessary to uphold the State of Rhode Island, and to preserve its domestic peace, yet that the strong hope would be indulged and expressed, that all the difficulties would disappear before an enlightened policy of conciliation and compromise. In that spirit, I addressed to Governor King the letter of the 7th May, 1843, marked private and confidential, and received his reply of the 12th May of the same year. The desire of the Executive was, from the beginning, to bring the dispute to a termination without the interposition of the military power of the United States; and it will continue to be a subject of self-congratulation that this leading object of policy was finally accomplished. The Executive resisted all entreaties, however urgent, to depart from this line of conduct. Information from private sources had led the Executive to conclude that little else was designed by Mr. Dorr and his adherents than mere menace, with a view to intimidation; nor was this opinion in any degree shaken, until the 23d June, 1843, when it was strongly represented from reliable sources, as will be seen by reference to the documents herewith communicated, that preparations were making by Mr. Dorr, with a large force in arms, to invade the State, which force had been recruited in the neighboring States, and was already preceded by the collection of military stores in considerable quantities at one or two points. This was a state of things to which the Executive could not be indifferent. Mr. Dorr speedily afterwards took up his head-quarters at Chepachet, and assumed the command of what was reported to be a large force, drawn chiefly from voluntary enlistments made in neighboring States. The Executive could with difficulty bring itself to realize the fact that the citizens of other States had forgotten their duty to

themselves and the Constitution of the United States, and entered into the highly reprehensible and indefensible course of interfering so far in the concerns of a sister State, as to have entered into plans of invasion, conquest, and revolution; but the Executive felt it to be its duty to look minutely into the matter, and therefore the Secretary of War was despatched to Rhode Island with instructions, a copy of which are herewith transmitted, and was authorized, should a requisition be made upon the Executive, by the government of Rhode Island, in pursuance of law, and the invaders should not abandon their purpose, to call upon the governors of Massachusetts and Connecticut for a sufficient number of militia at once to crush the invasion, and to interpose such of the regular troops as could be spared from Fort Adams for the defence of the city of Providence, in the event of its being attacked, as was strongly represented to be in contemplation. Happily there was no necessity for either issuing the proclamation or requisition, or for removing the troops from Fort Adams, where they had been properly stationed. Chepachet was evacuated, and Mr. Dorr's troops dispersed, without the necessity of the interposition of any military force by this Government; thus confirming me in my early impressions that nothing more had been designed from the first, by those associated with Mr. Dorr, than to excite fear and apprehension, and thereby to obtain concessions from the constituted authorities, which might be claimed as a triumph over the existing government.

With the dispersion of Mr. Dorr's troops ended all the difficulties. A convention was shortly afterwards called, by due course of law, to amend the fundamental law, and a new constitution, based on more liberal principles than that abrogated, was proposed and adopted by the people. Thus the great American experiment of change in government, under the influence of opinion, and not of force, has been again crowned with success, and the State and people of Rhode Island repose in safety under institutions of their own adoption, untroubled by any future prospect of necessary change, and secure against domestic violence or invasion from abroad. I congratulate the country upon so happy a termination of a condition of things which seemed at one time seriously to threaten the public peace. It may justly be regarded as worthy of the age and of the country in which we live.

JOHN TYLER.

WASHINGTON, April 8, 1844.

The Message was then, by consent, ordered to be printed, and was referred to the Select Committee.

The House then adjourned.

IN SENATE.

WEDNESDAY, April 10.

*The Tariff—The Compromise Act.*

The Senate resumed the consideration of the resolution reported from the Committee on Finance, for the indefinite postponement of the bill introduced by Mr. McDUFFIE, for reducing the rate of duties under the present tariff to the standard of the compromise act.

Mr. CHOATE observed that it was not now his

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intention, nor had it ever been, to do any thing so absurd as to engage in the discussion of the general subject, the arguments on which had been heretofore so thoroughly exhausted. The protection of American industry had been so ably and triumphantly vindicated, both in and out of Congress, that nothing new was left for him to add. He could not, for himself, consent to touch this question of protection, as an open question. No doubt, to some extent, and for many objects, the question may be said to be open; but it was in a limited sense, and confined to matters of mere detail. It was open to-day to consider whether the duties of 1789 were sufficient for protection; or whether the duties of 1828 were more than sufficient; but that the principle of protection itself was an open question, he denied. He felt assured that those who built up this Government and its institutions had in their hearts the purpose of insuring this very policy of protection to American industry, and those who succeeded them had but carried out their principles to suit the altered condition of the country, when they established the present protective policy.

For his own part, while he admired the ability displayed in the debate of this question since its introduction this session, he should consider it just as much a work of supererogation to rise with authorities for quotation, and books with leaves turned down, to defend the policy of protection at this day, as to defend *magna charta*, or the right of trial by jury.

There was a question which, however, he admitted yet to be open; and it was, whether a given or proposed rate of duties leaves adequate protection to American industry. It was to that question he now wished to address himself more particularly for a few moments. He considered the Senator from Missouri (Mr. BAXTON) as admitting the principle of giving adequate protection to home manufactures, such as could be given by duties for revenue, discriminating for both purposes. That Senator recommends legislation to go back to the good old times of the first epoch of this Government; but he does not advise the revival of any particular act since 1789. If, however, he understood the Senator from Missouri correctly, his principle was, to have the *ad valorem* duty assessed on the foreign value, and not on the value in the market here; the duty not in any case to exceed 33½ per cent. of that foreign value. How far that was practicable was, certainly, a question for discussion.

But, a distinction should, in his (Mr. C.'s) judgment, be drawn between the past age and the present, which it appeared to him the Senator from Missouri had overlooked. What was proper a half century ago, and for the first 25 years of this Government, might not be proper at the present moment. For the difference of circumstances, the vast changes in systems of national policy, were to be taken into consideration; and they would be found such as to justify, if not to demand, a policy differing in many

respects from that which was suited for a different age and different circumstances. All these considerations were to be weighed before the perilous attempt should be made of breaking up the particular policy of protection which had grown up in this country within the last five and twenty years. He asked the Senate to look back at the laws of 1789, and inquire what were the views of the framers of these laws—what was the system of political economy by which they were guided? He averred that, whatever may have been the rate of duty by the tariff law of 1789, the law itself was expressly made for the protection of American industry, just as much as the tariff law of 1824. He enumerated many of the articles which, under the tariff law of 1789, were subject to specific duties, and others subject to *ad valorem* duties—in several instances, exceeding 80 per cent. He then gave a history of the origin of the law of 1789. Mr. Madison proposed to the then Congress to pass a short bill of ten lines, modelled on the short act of 1783 of six lines, which put specific duties on two or three articles, and a horizontal duty of 5 per cent. on every thing else imported; Mr. Madison's proposition being to put specific duties on seven or eight articles, and an *ad valorem* duty on all other imports, with a view of obtaining an immediate supply of revenue. But Mr. Madison's proposition was not adopted; and a discussion arose, in consequence of other propositions, varying considerably, in which the principle of protection was advocated, vindicated, and recorded. Finally this principle prevailed in the bill which was adopted.

Mr. McDUFFIE inquired if, in any of the propositions then under discussion, any imposition of duty half as high as the duties conceded by his (Mr. McD.'s) bill was advocated.

Mr. CHOATE observed that his position was, that duties were advocated, vindicated, and recorded, for protection, no matter whether the duty was high or low. It was the principle of protection that he wanted to show had been then advanced and maintained.

Mr. C. then gave a brief history of the discussion on the act of 1789, and enumerated its provisions. He also entered upon a detailed history of the debate upon that bill, quoting many passages from the speeches of Mr. Madison, Mr. Fitzsimmons, and Mr. Hardy. On Mr. Fitzsimmons's plan the bill was framed; and different gentlemen brought forward specific articles for protection, forming amendments. Mr. C. here stated that he would spare the Senate the reading of innumerable passages from speeches on this occasion, so strongly in favor of protection that he feared it would be considered he was interpolating passages from the speeches made in 1824 or 1828 by the most zealous advocates of protection. Mr. Sherman even went so far as to advocate openly and avowedly a prohibitory duty on tobacco, and his motion was adopted *nem. con.* That, then, Mr. C. said, was as much an act for protection



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as the act of 1824. But the Senator from South Carolina said the duties of that act were small. So they were; but the principle of protection was therein established and vindicated. A choice was at that period and during that discussion presented to Congress between two bills—one, that of Mr. Madison, for revenue alone—for bringing the most money in the speediest manner into the treasury; and the other, that of Mr. Fitzsimmons, for both protection and revenue; and the latter was the bill adopted.

Mr. McDUFFIE begged the Senator would not evade the question as to the matter of fact what were the actual duties on iron and what on cotton in that bill.

Mr. CHOATE said it was impossible to state what rate of ad valorem duty was equivalent to the specific duties of the act, not having the prices-current of the day to refer to for calculating them.

Mr. McDUFFIE observed that, as the Senator declined stating what the duties on these articles were, reduced to the ad valorem principle, he would tell him what they actually were. The duty on iron was 5 per cent.; on cotton goods  $7\frac{1}{2}$  per cent.; and on woollen goods 5 per cent.

Mr. CHOATE remarked that, in 1789, there was not an iron factory, not a cotton factory, nor a woollen factory, in the United States, calling for protection; but the duties of the act on articles competing with home industry were, in many cases, he had no doubt, as high as from 80 to 50 per cent. He proceeded to show that, on those articles which required protection, the duties of the act against similar articles imported were protective.

He quoted Mr. Dallas's arguments on the act of 1816, in which he says that all the acts for revenue, passed since the commencement of the Government, had for their object the encouragement of home industry by adequate protection.

Passing strange (Mr. C. said) would it have been, if the fathers of the constitution had not maintained the doctrine of protection. He referred to an anonymous article, written from North Carolina, in 1787, to show that the American system was then a favorite and prevailing doctrine, well understood. He said he had quoted this from a collection of tracts, which he found cited by the American Review. All these evidences of the prevailing sentiments of the great men of 1789, showed that there was a profound feeling even then, that without building up the home manufactures of young America her independence would have proved but a barren sceptre.

He referred to the processions which were got up to celebrate the ratification of the constitution, and particularly to one in Philadelphia, to show that as irrefragable evidence of the sentiments of the people in favor of home manufactures might be gleaned from the popular feeling evinced on that occasion, as from

the debates of the period, to be found in Mr. Madison's papers, or the congressional records; or even from the strongest passages in the volumes of the Federalist. He read a detailed account of the pageant in Philadelphia on the occasion referred to, and commented upon it, as evincing the spirit of the times, and showing the force of public opinion in favor of protecting and fostering the manufacturing interests of that time.

He next proceeded to show, that from 1789 to 1816, the manufacturing interest in the United States had not only multiplied its value, but changed its nature; he stated that, so largely had it grown, that it presented a much broader mark for the slings and arrows of foreign competition than it did before, and consequently trusted more to protection. The principle of protection having been established with the establishment of the Government itself, whenever it became necessary to extend it, the statesmen of 1816 and 1824 might be defended for the extension they found necessary by the policy of their fathers of 1789.

The value of mechanical labor was appreciated by every one who had participated in this debate, no matter of what party. In passing a high eulogium upon the mechanical arts, and upon artisan labor, Mr. C. referred to the works of Adam Smith, to show his sense of the advantages resulting from that species of industry, both in a social and national point of view.

There was one reason, if no other existed, why his (Mr. C.'s) affections should be enlisted in favor of manufactures and mechanical labor; and it was, that in all ages, and all countries, they had been uniformly found the handmaids of liberty, the instruments of civilization, and the forerunners of democratic institutions.

He acknowledged that he felt great solicitude to rescue the legislators of 1816 and 1824 from the aspersion of being millinary capitalists, and trading politicians, perverting the legislative power for sinister purposes. He adverted to the peculiar circumstances of the country in 1816, at the termination of the late war, which had placed it in a condition that called for new developments of national policy. It was a time when every American citizen felt that there should be a rally of patriotism for a renewed, a regenerated nationality. The patriots of that day felt the stain it would be to leave the country subject to such humiliations and privations as it had just emerged from. Hence arose the present protective system. Therefore, it was unkind and unjust to impute to those men who had made this rally, other than the obvious patriotic motives by which they were actuated. They might well defend themselves from every assault upon their principles and motives, by a reference to the solicitude of the founders of the Government for the fostering protection of domestic manufactures.

Here Mr. C. intimated to the Senate that he felt exhausted, and hoped, if agreeable to the

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Senate, that the subject would be passed over informally.

Mr. WOODBURY rose to move an adjournment; but

Mr. AROHER said there were some references to be made in secret session, which would not occupy more than five minutes' time.

On motion, it was agreed, that when the Senate adjourned, it should be to Monday next.

The Senate then went into executive session, and, after some time spent therein, adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, April 12.

##### *Narrative of the Exploring Expedition.*

The bill extending the privilege of copyright to the authors of the Narrative and Account of the Exploring Expedition, was taken up.

Some debate ensued, in which Messrs. HALE, HOLMES, MARSH, J. R. INGERSOLL, OWEN, ADAMS, J. W. DAVIS, BURKE, WELLES, STERN-ROD, C. JOHNSON, SIMONS, BARNARD, McDOWELL, SOHRECK, and others took part.

On motion by J. R. INGERSOLL, the further consideration of the bill was postponed until Friday next.

THURSDAY, April 18.

##### *Presentation of General Washington's Camp Chest.*

Mr. ADAMS rose, and said that, in compliance with one of the clauses of the last will and testament of William Sidney Winder, a distinguished citizen of the State of Maryland, now no more, he rose to present to this House, and through this House to the Congress of the United States, the camp chest of General George Washington, which he used during the revolutionary war. As his warrant for presenting himself to the House for the performance of this service, he had sent to the Clerk's table, and requested him to read, a few documents, giving a history of the articles presented to the House, and explanatory of his agency in the matter.

The Clerk then proceeded to read—

1. A letter from the Hon. JOHN WETHERED, a member of the House from the State of Maryland.

2. An extract from the last will and testament of the late Mr. Winder.

3. A letter dictated by Mr. Winder on his death-bed, but not signed by him.

4. A letter from Miss Winder, daughter of the deceased, authenticating the letter of her father; and

5. A letter from Colonel Henry Maynadier, who had purchased the chest at the sale of Gen. Washington's effects at Mount Vernon, and presented it to Gov. Winder, the father of the testator.

Mr. ADAMS observed that, at the last session of Congress, it was his fortune to offer the resolution of acceptance of the sword of the Father of his Country, together with the staff bequeathed to him by his compatriot statesman and friend, Franklin, which was presented to the House by Samuel S. Washington, of Virginia. This was probably the inducement of the late Mr. Winder to devolve on him the welcome honor of presenting this additional relic of the great and good champion of our country's freedom and glory. The donor of these relics was then living, and the House thought proper to join with the Senate in a unanimous vote of thanks to him for them. In this case the donor was no longer in the land of the living; he was beyond the reach of praises or blame from his fellow-citizens; his heart could beat no more in sympathy with those to whom love of country, from the cradle to the grave, was the ruling passion. That he possessed this feeling in the fullest extent, was abundantly proved by this bequest—the last act of his life—and by the letter written by him on his death-bed, the signature of which was suspended by the angel of death wresting the pen from his hand—testimonials stronger than any human language. The thanks of the House could not be presented to him; but to his disconsolate companion the thanks of the House, together with the manner in which the bequest was received, would carry soothing to her bosom. In presenting the sword of Washington, a profound and sublime lesson of national and individual morality, associated with a pure and lofty patriotism, was given to his countrymen of this and future ages. It would be recollected that in bequeathing his swords to his nephews, Washington directed them never to unsheath them for the purpose of shedding blood, except in defence of their country, or of themselves; and in the latter case, to keep them in their hands, and fall with them, rather than surrender them. The use and vocation of the sword was the shedding of blood. Far different was the use of the implement now offered to the House. The sword was the instrument of destruction; this was intended to supply the wants of physical nature, and for the preservation of man's life. It was also useful for dispensing to others the good offices of friendship, and the sacred rights of hospitality. To all these purposes this identical camp chest and its contents had been frequently put, in the times that tried the souls of men and of women. Mr. A. here sent to the Clerk's table a letter published by the Historical Society of New York, dated West Point, August 16, 1777, inviting some ladies to dine with him, and giving a playful description of his bill of fare. This letter being read,

Mr. ADAMS concluded by offering a joint resolution that the camp chest be accepted; and that the thanks, together with the condolence of the two Houses of Congress, be presented to the widow of Col. Winder.

Mr. WETHERED observed that, in seconding

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the resolutions offered by the honorable gentleman from Massachusetts, he took the occasion to say that the deviser of this relic, the late Mr. Winder, was his intimate friend; that he commanded the respect of all who knew him; and that his voice had been heard in the legislature of his native State, where he was distinguished for the fidelity with which he discharged his duties. This camp chest was inherited by him from his father, Governor Winder, to whom it had been presented by Colonel Maynadier, his brother officer, who purchased it at the sale at Mount Vernon, shortly after General Washington's death. Governor Winder was the one who, on the 4th of July, 1815, laid the corner stone of the Washington monument in the city of Baltimore.

Mr. J. P. KENNEDY then offered a few remarks, recapitulating briefly the history of the relic, and bearing his testimony in favor of the high character of Mr. Winder. Mr. K. concluded with a warm eulogy on the patriotism and services of Mr. ADAMS.

The House then adjourned.

#### IN SENATE.

FRIDAY, April 19.

#### *Presentation of General Washington's Camp Chest.*

A message was announced from the House of Representatives, accompanied by the camp chest of General Washington, a joint resolution adopted by that body accepting it, and a joint resolution of respect for the memory of the donor of the camp chest.

Mr. PEARCE expressing a desire that the joint resolutions should now be acted upon,

Mr. MERRICK observed that, in compliance with the desire of his colleague, he would consent to suspend his motion to take up the Post Office bill until the joint resolution was disposed of.

The joint resolution accepting the camp chest of General Washington, and the joint resolution of respect for the memory of the donor of the camp chest, were read as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the camp chest of General George Washington, which he used during the revolutionary war, bequeathed by the last will of the late William Sidney Winder to the Congress of the United States, be and the same is hereby accepted, and that the same be deposited as a precious relic to be preserved in the Department of State.

*Resolved,* That the Senate and House of Representatives take pleasure in recognizing to the family of the late William Sidney Winder, their high sense of the value of the bequest contained in his will, and in expressing their respect for the memory of the donor.

The resolutions were then read the second time according to order, when

Mr. PEARCE rose, and addressed the Senate as follows:

Mr. President: I rise to present to the Senate the camp chest of Washington, mentioned in the resolutions which have just been sent from the House of Representatives, and to express the hope that this body will cordially concur in those resolutions. The estimable and lamented gentleman (Mr. Winder) who bequeathed to Congress this revolutionary relic, was the son of the late General Levin Winder, formerly Governor of Maryland, from whom he received it. Governor Winder was himself a soldier of the revolution, and served with distinguished courage under the immediate command of Washington. The men of those times, sir, knew how to appreciate the age in which they lived, and how to estimate each other.

To the last moment of his life, Governor Winder's mind and heart were full of the war of the revolution and its great commander-in-chief. He considered the war more glorious in its causes and conduct, and more important in its consequences, than all that history had recorded. To him his chief was the impersonation of all that was chivalrous and generous—all that was disinterested, devoted, and virtuous. Nor was he mistaken. No public man has ever stood such tests as those by which the character of Washington was tried and proved. In war and in civil administration, in public and in private life, spotless brightness surrounds his name—that name which has been justly consecrated as “first in war, first in peace, and first in the hearts of his countrymen.” Any relic of such a man would have great interest for an American. But this camp chest, with the plain utensils, and simple condiments which it contains—the same which Washington used throughout the war of independence, and which remain as they were when last used by him—was of double value to his old comrade in arms who had shared with him the privations, the dangers, and the glory of that great struggle. He left it to his son, as a precious part of his patrimony; and that son, valuing it as his father had done, bequeathed it to Congress.

Sir, the relics of our past history are few and simple. Our nation is too young to possess those memorials of great events strewn along the track of time, which belong to another hemisphere. We have no iron crown, to remind us of the oppressions of an iron despotism—no “towers of Julius, by many a foul and midnight murder fed.” No moated battlements frown over our land, marking the seats of rapine and exaction. No castellated crags look down upon the smiling waters of our broad rivers, telling how insolence and pride have lorded it over ignominious submission. We have not been buried in the darkness of feudal superstition. We have not been conquered and subdued, reconquered and again enslaved. Neither Roman nor Saxon, neither Dane nor Norman, has made us his prey. There are no vestiges on our soil of any iron rule. Our

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colonial existence was that of young Freedom, restrained, indeed, and checked, during nonage, but only for a moment enchained. Our national history is that of Freedom full-grown, erect, unshackled, self-restrained. It is not surprising, then, that the relics of the past with us should be few and simple. That which is now tendered to us does not—like the sword of Washington, which was presented to Congress at its last session—bear the blaze of victory with it. It does not tell of royal power cloven down in the fierce strife for freedom. It has a sadder, but not less touching story to tell. It is associated with recollections of privation and suffering; of want approaching to famine; of poverty in almost every form;—most patiently, patriotically, and nobly borne by the officers, soldiers, and citizens of our country, during the darkest, but, perhaps, the proudest period of her history. It tells of disastrous reverses heroically sustained, and gloriously retrieved. That camp chest, sir, was the companion of Washington in the memorable retreat through the Jerseys. It was with him during the long and stern winter passed by the army at the huted wilderness of Valley Forge. It followed him across the burning plains of Monmouth, and was with him at the crowning glory of Yorktown. Though it be simple and mute, this companionship makes it an eloquent memorial of the great soldier and patriot, and of that war of principle which he conducted so gloriously for himself, and so happily for his country. As such, I hope the Senate will consent to receive and preserve it.

The resolutions were then severally read the third time, and unanimously passed.

## HOUSE OF REPRESENTATIVES.

FRIDAY, April 19.

*Copper Mines of Lake Superior.*

On motion of Mr. LYON, it was

*Resolved*, That the Secretary of the Treasury be requested to communicate to this House the probable cost per mile of surveying the township lines, in the copper mining district on Lake Superior, in the State of Michigan, and such information as he may possess concerning the practicability, expediency, and expense of procuring, in connection with said survey, sufficient geological information to serve to define with accuracy the limits, and to describe the character of said district.

## IN SENATE.

MONDAY, April 22.

*Treaty with Texas.*

Mr. ARCHER remarked, that he understood that an important executive communication had been received; he therefore moved that the Senate proceed to the consideration of executive business, with a view of having that communication referred and ordered to be printed; the Senate to resume legislative business in

time to enable the honorable Senator from New York (Mr. WRIGHT) to finish his remarks on the subject of the tariff.

The motion was agreed to, the galleries were ordered to be cleared, and the doors of the Senate were ordered to be closed.

When the doors were opened, the Senate adjourned.

THURSDAY, April 25.

*Death of Hon. Peter E. Bossier.*

Immediately after the reading of the journal, a message was received from the House of Representatives, announcing the death of the Hon. PETER E. BOSSIER, a Representative of the State of Louisiana, and communicating the resolutions of condolence and respect adopted by that body on the occasion.

The resolutions were read by the Secretary of the Senate.

Mr. JOHNSON, in a few brief remarks, very imperfectly heard in the reporter's gallery, stated, in substance, that it had become his duty to address the Senate on this painful occasion. He had been informed that the event which rendered this necessary, had occurred last night, in this city, after a lingering disease, which the deceased bore with Christian fortitude and resignation. Summoned from the scene of his earthly duties, although far removed from his home, he had the consolation of being surrounded in that trying hour, by those best calculated to render soothing the last and tender office of smoothing the pillow of death. He resigned his spirit to Him who gave it, in the presence of the wife of his bosom, and of some of his most devoted friends.

Residing in a different section of the State of Louisiana, he (Mr. J.) had not the pleasure of an intimate acquaintance with Mr. BOSSIER. He was a native of that State—a Creole by birth—and of that race distinguished for every noble and chivalrous attribute that dignifies human nature. The high station to which he had been delegated in the other branch of Congress, afforded ample proof of his own worth, and of the confidence and respect of those who could best appreciate it.

He moved, as a tribute of respect on this occasion, the following resolutions:

*Resolved*, That the Senate has received with deep sensibility the message from the House of Representatives, announcing the death of the Hon. PETER E. BOSSIER, a representative of the State of Louisiana.

*Resolved*, That, as a token of their respect to the memory of the deceased, the members of the Senate will attend his funeral at 12 o'clock, meridian, tomorrow, and will wear the usual badge of mourning for thirty days; and, as a further mark of respect, that the Senate do now adjourn.

The resolutions were unanimously adopted, and the Senate forthwith adjourned.

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Death of Hon. Henry R. Brinkerhoff.

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## HOUSE OF REPRESENTATIVES.

THURSDAY, April 25.

The Journal having been read,

Mr. ADAMS asked to be excused from serving on the committee appointed to inquire into the circumstances connected with the rencontre between Messrs. WHITE and RATHBUN; which was agreed to.

*Death of Hon. Mr. Bossier.*

Mr. SLIDELL rose and addressed the House as follows:—

Mr. Speaker: But a few short weeks have elapsed since I was called upon to discharge the melancholy duty of announcing the death of a Senator from Louisiana. We have now to deplore the loss of one of her representatives on this floor. My colleague and friend, PIERRE EVARISTE BOSSIER, died last night at his lodgings in this city, after a protracted, but not painful illness. He had been gradually declining in strength, and expired without a struggle or a groan.

He preserved, through his long illness, the serenity of temper and cheerfulness of disposition which had distinguished him through life. His last moments were soothed by the attentions of numerous attached and sympathizing friends, and by the presence of an affectionate wife, who had, with untiring assiduity, watched over and ministered to him as woman only can do.

Mr. BOSSIER was a native of Louisiana, of French descent, his family being among the earliest settlers of the colony. He was one of that ancient population which, in many parts of our State, still preserve the language, manners, and customs of their fathers; remarkable for their almost patriarchal simplicity, their unbending honesty, their chivalrous courage, their frank and manly spirit—a population surpassed by none in all the wide expanse of this republic, for its patriotic devotion to our free institutions.

My colleague was the type of this class—unpretending in manner, courteous in deportment, alike inaccessible to the blandishments of flattery and the influences of intimidation, elevated above every mercenary consideration, gentle in his temper; but, when his rights were invaded, or his honor assailed, ever ready to defend the one and vindicate the other: *homo antiqua virtute ac fide*; or, in the language of his own Gallic ancestry, a "*chevalier sans peur et sans reproche*." He had served for ten years in the senate of his native State, in a manner alike creditable to himself and useful to his constituents, and was still a member of that body for an unexpired term, when he yielded to an unsolicited and spontaneous nomination for Congress, and was elected, by a large majority, in a district which had been considered as opposed to him in politics. Transferred to the councils of the nation, a long vista of usefulness, upon this more elevated theatre, appeared to have

opened before him. His attention to business, his excellent judgment, would have rendered him a most valuable representative. His modesty and diffidence might have prevented him from participating freely in the debates of the House; but, in the less brilliant but equally useful labors of the committee-room, he would have done the State good service.

He has been cut down before he had fairly started in his new career; but he had already acquired the respect and esteem of all who knew him. "*Sic erat in fatiis*;" but, while we bow in submission to the decree of Providence, let us profit by the admonition it conveys. Since the last session of Congress, seven members of this House and three of the Senate have been gathered to their fathers. We are, indeed, but "poor players, who fret and strut their hour upon the stage, and then are heard no more." If this feeling could be more deeply impressed upon us all, it would tend to soften the asperities of debate—to check all violent ebullitions of party spirit. When, to-morrow, we shall follow to the tomb the mortal remains of him who but so recently participated in our deliberations, would it not be well for each and every one of us, standing around his yet unclosed grave, silently to make the solemn pledge that no harsh recriminations, no personal altercations, no unseemly broils, shall hereafter desecrate the sanctity of this hall?

Mr. S. then offered the following resolutions; which were unanimously adopted:

*Resolved*, That the House has heard with deep emotion the annunciation of the death of the honorable PIERRE E. BOSSIER, a member from the State of Louisiana.

*Resolved*, That this House tenders to the relatives of the deceased the expression of its sympathy on this affecting event; and as a testimony of respect for the memory of the deceased, the members and officers will go into mourning, by wearing crape on the left arm for thirty days.

*Resolved*, That the members and officers of the House will attend the funeral of the honorable PIERRE E. BOSSIER at 12 o'clock M. to-morrow.

*Resolved*, That when this House adjourns to-day, it will adjourn to meet at 12 o'clock M. to-morrow.

*Ordered*, That a message be sent to the Senate, to notify that body of the death of PIERRE E. BOSSIER, late one of the representatives from the State of Louisiana; that his funeral will take place from the hall of this House to-morrow at 12 o'clock M., and that the Senate be invited to attend the same.

*Resolved*, That this House do now adjourn.

## IN SENATE.

THURSDAY, May 9.

*Death of Hon. Henry R. Brinkerhoff.*

A message was received from the House of Representatives, by their Clerk; announcing the death of the Hon. H. R. BRINKERHOFF, member elect from the State of Ohio, and the passage of resolutions testifying the respect of

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*Death of Hon. Henry R. Brinkerhoff.*

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that body for the memory of the deceased; which being read,

Mr. ALLEN addressed the Senate as follows:

Mr. President: The two Houses of Congress have, during their present session, been, more frequently than usual, called to suspend for a while their ordinary duties, by the solemn voice of death. Many of our fellow members, and among them two of Ohio's delegation, have passed to the grave. Some of them have been stricken down in our midst, whilst participating earnestly and faithfully in the labors of legislation; others have been cut off, without being allowed to reach the scene of those labors. Among the latter, was the honored subject of the message which the Senate have just received from the House of Representatives. On the 80th day of the last month, and in the fifty-sixth year of his age, General BRINKERHOFF died at his residence, in the county of Huron, in the State of Ohio, a victim to the disease with which he was attacked, about the commencement of our session. He died, sir, not in the presence of strangers, or in the destitution of hope; but surrounded by his family and friends,—in the sacred ordinances of religion, and in the full assurance of that reward which it offers to the just. His character had been formed under the severe discipline of a frontier life—in that school where the more manly qualities of the heart and faculties of the mind are brought early into requisition; where sagacity and judgment, fortitude and courage—where integrity, generosity, truth, industry, and fidelity, are cultivated under the promptings of nature, unaffected by the enervating habits and doubtful morals of a more aged and artificial society. A native of the county of Adams, in the Commonwealth of Pennsylvania, he removed, when an infant, with his parents, to the county of Cayuga, in the State of New York—that region, now so populous, being then an unmeasured and tenantless wilderness. It was there that he grew up to the maturity of his manhood, with the rising community, whose good will and unfaltering confidence he acquired by his merits, and never lost by a fault. He was one who, under the influence of that patriotism ever so conspicuous among the hardy virtues of the frontier settler, voluntarily perilled his life in the service of his country.

During the late war he organized among his neighbors a company of volunteers, and led them in the terrible storming of the heights of Queenston. In that enterprise—one of the most desperate in our annals—he displayed a prompt and steady intrepidity; and for that, in connection with his other personal merits and endowments, he was afterwards promoted to the rank of a major-general in the militia service of the State; and twice appointed by the people to a seat in the legislature. In the year 1837 he removed to his late residence in Ohio, where the same qualities, by which he had been distinguished in New York, enabled

him to command the esteem of the intelligent community of whom he there became a member; and it was in that congressional district in which political opinions are poised in a doubtful balance, that he was elected a member of the present Congress, by a majority transcending the expectations of his friends. He is now no more. He has left behind him a character of unspotted integrity, to break the force of the afflictions with which his death has bruised the hearts of his bereaved widow and fatherless children.

The customary resolutions of condolence, of going into mourning for thirty days, and of adjourning forthwith, as a token of respect, were adopted; and

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY May 9.

#### *Death of Hon. Henry R. Brinkerhoff.*

The Journal having been read,

Mr. POTTER, of Ohio, rose and spoke as follows:

Mr. Speaker: It has required no long membership of this House, to familiarize one with the custom of announcing publicly to its members the death of one of their number. Already have we witnessed in this hall, during the present session of Congress, the funeral obsequies of three Senators and six members of this House; and we are about to add another to the record of death amongst us.

This seems to be a period in our history in which death has fixed a high aim for his shaft. He has but recently struck down the head of the nation, following up that sad blow by an unparalleled fatality to the heads of the different departments of the Government; and, as if unsatisfied with the ordinary demands for victims, he has sought, in high places, to mark his power, reminding the great, the wise, and the ambitious, and through them the nation, that no place, however high and honorable, is exempt from the common lot of all; and that the end of all earthly glory is the grave.

It has fallen to my lot to announce the death of my colleague, HENRY R. BRINKERHOFF, late a member of this House from the State of Ohio; and in doing so, I cannot refrain from reviewing briefly his history, as it is replete with instruction, and one out of the many thousand examples our country affords of the benefits of free institutions to the development of the human mind, and of their tendency to raise to the high destiny towards which it aspires.

General BRINKERHOFF was born of humble, but honest parents, in Adams county, in the State of Pennsylvania; from whence, in early boyhood, he emigrated, with his father's family, to Cayuga county, in the State of New York, then a trackless wilderness.

From the condition of the country, his op-

[*See Sum.*]*The Tariff.*

[May, 1844.]

opportunities for early education were but limited; yet, possessed of a mind which rose superior to every obstacle which it encountered, he became a man of much general intelligence, and enlarged views.

On the breaking out of the late war with Great Britain, he repaired to the frontier, in command of a company of volunteers of the New York militia, and at the battle of Queens-ton Heights, distinguished himself as a brave and patriotic soldier.

For many years he held the office of major-general of New York State militia, and at a time, too, when military honors were sought after, even in the military service of the country, by her best and ablest patriots, and inspired the respect of every citizen.

He was twice elected a member of the New York legislature, where he was distinguished for sound practical sense, and a rigid adherence to the interests of his constituents.

In the Spring of 1837, he removed to Huron county, Ohio; and here, amongst strangers, in the space of six years, he had acquired the unlimited confidence of a large constituency, and was elected a member of the twenty-eighth Congress, in a district opposed to him in politics.

When about to leave home for the scene of his contemplated labors here, he was attacked with the disease, which, although it flattered him with the hope of recovery, almost up to the day of his death, finally terminated his existence, at his residence, in Huron county, on the 30th day of last April, at the age of fifty-six years.

In General BRINKERHOFF are illustrated the beauties of our system of government; unaided by the influence of wealth, or aristocratic family connections, he attained a distinguished position; and that, too, in a community where intellect was appreciated, and ambition had its votaries. He was truly "a self-made man." Need I go beyond these walls for further illustrations of this expression; and need I pay the institutions of our country a higher encomium, than to point to her "self-made men"?

General BRINKERHOFF, as his name indicates, was a descendant of the "Knickerbocker," and he inherited all the characteristics of his Dutch ancestry—prudence, discretion, firmness, and a scrupulous integrity. He was a practical farmer, another evidence that the highest attainments in civil or military science are not incompatible with the culture of the soil.

He was a kind and devoted husband, a tender and affectionate father; but the widow and the orphan, who deplore his loss, mourn not as for one without hope. He had long been associated with the Presbyterian church as a devout and exemplary member, and died in the full enjoyment of the consolations of that religion, of whose influence over the actions and conduct of mankind his whole life afforded the amplest evidence.

His constituents have lost an able and faithful

representative; his colleagues an adviser and friend, and the nation a good man from her councils.

Mr. P. then offered the following resolutions; which were unanimously adopted:

*Resolved*, That this House has heard with deep sensibility of the death of the Hon. HENRY R. BRINKERHOFF, a member of this House, who died at his residence, Huron county, Ohio, on the 30th ult.

*Resolved*, That the members of this House will testify their respect for the memory of the deceased, by wearing crape on the left arm for thirty days.

*Resolved*, As a further testimony of respect, that this House do now adjourn.

The House then adjourned.

FRIDAY, May 10.

*The Tariff.*

Mr. McKAY called for the special order of the day; and the House accordingly proceeded to the special order, being the consideration of the tariff bill, as reported with amendments from the Committee of the Whole on the state of the Union. Mr. McKAY being entitled to the floor, rose and remarked that, as the gentleman from New York, (Mr. BARNARD,) one of the members of the Committee of Ways and Means, was desirous of addressing the House, he would yield the floor for the purpose of enabling him to do so.

Mr. BARNARD proceeded to address the House in opposition to the views of the majority of the Committee of Ways and Means, as set forth in their report. He examined the report in detail, controverting the positions taken by the committee. He contended that the bill which had been reported by the committee was neither a revenue measure, inasmuch as it would produce less revenue than the present tariff law, nor a protective measure, because it reduced the amount of duties upon almost all articles of import.

Mr. McKAY was next awarded the floor.

Mr. HOLMES rose to a point of order, the gentleman from North Carolina having already had the floor.

The SPEAKER said the gentleman from North Carolina had not addressed the House on this bill.

Mr. ELMER said he believed it was now in order to move to lay this bill on the table.

Mr. C. JOHNSON called for the yeas and nays.

Mr. HARDIN asked the gentleman from New Jersey (Mr. ELMER) if it was intended hereafter to call up this bill if that gentleman's motion to lay it on the table should prevail, or was this to be considered a test vote? [Loud cries from all parts of the House, "Yes, a test vote."] They were then distinctly to understand that it was a test vote?

[Loud cries of "Yes, a test vote."]

The SPEAKER interposed, and said all debate was out of order.

The yeas and nays were then ordered, and resulted thus—yeas 105, nays 99.  
So the bill was laid on the table.

#### IN SENATE.

FRIDAY, May 31.

#### *The Tariff—The Compromise Act.*

The unfinished business being then in order, the resolutions of the Finance Committee to postpone indefinitely Mr. McDUFFIE's bill for restoring the tariff to the standard of the compromise act, were taken up; and

Mr. McDUFFIE, in continuation of his remarks of yesterday, addressed the Senate for two hours, recapitulating the grounds of his arguments from the beginning of the debate, and meeting all the points of opposition with which they had been assailed by his opponents. In conclusion, Mr. McD. brought forward a principle to which he had not in this discussion before alluded, though he had urged it on former occasions, but which he now regarded as of paramount importance. He alluded to the principle involved in the protective policy, of destruction to the republican institutions of this confederacy. Mr. McD. explained at great length, his views of the workings and consequences of this principle, and appealed to the friends of those institutions to avert the calamities which their subversion must sooner or later occasion.

Mr. CHOATE, for purposes of explanation, next obtained the floor, and addressed the Senate for an hour and a half, in answer to remarks made by the Senator from South Carolina, in reference to Massachusetts, and the speech he made some six weeks ago on this question.

Mr. McDUFFIE, in explanation, again obtained the floor, and spoke for about half an hour, in reply to the Senator from Massachusetts, (Mr. CHOATE.)

Mr. CHOATE further explained; as did also Mr. McDUFFIE.

Mr. BAGBY, in reference to remarks which fell from the Senator from Massachusetts, (Mr. CHOATE,) defined the grounds he had taken in his speech, with regard to the change of policy, in consequence of the change of interests, which had taken place in Massachusetts since 1824.

Mr. BATES expressed his own desire to reply to such comments as the Senator from South Carolina had addressed to his speech on the present question, but at the same time yielded to the wishes of his friends around him in not protracting the debate. He therefore contented himself with reiterating the positions he had assumed.

Mr. EVANS invoked the Senate to allow the question to be taken.

Mr. McDUFFIE suggested that there could be no necessity for taking the question on the resolutions reported from the Committee on Finance, as the question of jurisdiction was one which he had not argued at any length.

Mr. CRITTENDEN wished to see the question taken directly on the bill.

The CHAIR explained that the second resolution was on its indefinite postponement.

Mr. CRITTENDEN did not see the propriety of any other course than a direct vote on the bill.

Mr. WHITE preferred a direct vote on the bill, and pointed out the course of the Senate a few days ago in relation to a case in point, when the vote was taken on the indefinite postponement of a bill and not on the adoption of a resolution from a committee.

Mr. ARCHER hoped the question would be taken on the resolution of the committee; he wished to have a test vote of the Senate on the question of jurisdiction.

Mr. CRITTENDEN would make no further objection.

Mr. MERRICK desired to see the test vote taken directly on the tariff question. That test could not be taken on these resolutions, and it would give grounds for the allegation that the Senate blinked the question of the tariff. It was on the tariff he desired to have the test vote.

Mr. McDUFFIE offered (if the committee's resolutions were withdrawn) to substitute a resolution himself, which would give the gentleman an opportunity of having the test vote on the subject of the tariff.

The question then recurred on the original resolutions proposed by the Committee on Finance, and the yeas and nays having been called for and ordered, were taken, and resulted as follows:

YEAS.—Messrs. Allen, Archer, Atchison, Bagby, Barrow, Bates, Bayard, Benton, Breese, Buchanan, Choate, Clayton, Dayton, Evans, Fairfield, Francis, Hannegan, Henderson, Huntington, Jarnagin, Merrick, Miller, Morehead, Niles, Porter, Rives, Semple, Simmons, Sturgeon, Tallmadge, White, Woodbridge, and Wright—33.

NAYS.—Messrs. Haywood, Huger, McDuffie, and Woodbury—4.

So the first resolution was adopted.

The second resolution was adopted without any call for a division of yeas and noes.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, May 31.

#### *Naturalization of Aliens.*

Mr. ADAMS rose and asked leave to present a memorial from certain citizens of Pennsylvania, in which the memorialists respectfully represent that they are opposed to the facility of access which the naturalization laws, as they at present stand, afford to aliens for the attainment of the rights and privileges of citizenship. The prayer of the memorial is, that the naturalization laws may be so altered as to require a residence of twenty-one years. He presented the petition in this formal manner, and not in the



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*Oregon Territory.*

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ordinary way, by laying it on the clerk's table; because it related to a subject of considerable importance, and upon which there was a considerable difference of opinion; and because he was willing to afford to the petitioners, who were unknown to him, the satisfaction of having their petition brought pointedly to the notice of the House; but, at the same time, he would remark that he did not wish to be understood as holding himself bound in any manner to support the prayer of the petition. He moved that the memorial be referred to the Judiciary Committee.

Mr. HAMMETT moved that it be laid upon the table.

Mr. MURPHY demanded the yeas and nays, which were ordered; and being taken, resulted—yeas 128, nays 26.

The memorial was laid upon the table.

## IN SENATE.

MONDAY, June 8.

*Oregon Territory.*

Mr. BENTON presented the petition of numerous citizens of the county of Oswego, in the State of New York, praying that measures may be taken by Congress for settling the Oregon country, and protecting the emigrants to it. In presenting the petition, Mr. B. said it would be an excusable egotism in him to refer to his opinions of twenty-five years ago in relation to the Oregon, and the convention then made for its joint occupation by the British and Americans. He had published his opinions at that time, and now had them on his table, and should send them to the press as a part of his remarks; but should spare the Senate the trouble of hearing them read. He had then opposed the treaty, and foretold all the evils from it which are now seen and felt by everybody, and had given all the reasons against forming the convention for the joint occupation then which are now given for getting rid of it.

This convention of 1818 was a geographical and a political blunder. It assumed, or went upon the assumption, that there were several great rivers and harbors on the north-west coast of America, some belonging to Great Britain, some to the United States, and the mutual use of each should be given to the owners of either, to occupy them jointly for a limited time, without detriment to the titles of either. This was the assumption, and the basis on which the joint occupation was laid, while, in fact, there was but one great river in that quarter, and that river was the exclusive property of the United States. This was the geographical blunder; and upon this the superstructure of political blunder was erected. It was a blunder to admit a foreign power to a joint occupation of our domain. That blunder became equivalent to a surrender of the territory in this case, because the power admitted into our

possession was powerful and organized, and destined to acquire the exclusive possession. This soon happened; for the powerful Hudson's Bay Company soon became sole possessors of the country by killing, or having killed, four or five hundred of the American traders, and chasing the rest away. In this way the possession of the river became exclusive on the part of the British; and upon that possession they have set up a title, which, coupled with possession, will require a vigorous effort of policy, or of arms, to defeat.

The treaty of joint occupation was a fine specimen of the skill with which the diplomatic art conceals the sacrifice of a disadvantageous concession, and deposits the seeds of a new contestation, while assuming to settle an old one. It was a case in which British diplomacy was an overmatch for American rights, and in which war itself may be the consequence of the American blunder.

After twenty-five years, the American population has begun to extend itself to the Oregon. Some hundreds went a few years ago; a thousand went last year; two thousand are now setting out from the frontiers of Missouri; tens of thousands are meditating the adventure. I say to them all, Go on! the Government will follow you, and will give you protection and land! The bill introduced and passed in the Senate by my late colleague and friend, (Dr. Linn,)—this bill will undoubtedly pass, not at this session, for it has been impeded by causes which must soon cease, but in the course of the next, or ensuing session. In the mean time, let the emigrants rely upon it. It is the genius of our people to go ahead, and it is the practice of our Government to follow, and eventually to protect and reward the bold pioneers who open the way to new countries, and subdue the wilderness for their country. They will get protection, both civil, military, and naval; for a Government will be established for them, a military force will be sent to them, and ships of war will visit their coast, and enter their river. Lands will be granted to them; land to the father and to the mother; land to the young men and the young women over eighteen; land to all the children.

The bill of my deceased friend, and the present bill, contain provisions in favor of all these classes; and in that form it will pass, because it is right in itself, and has the sympathies of all people in its favor. We have made great progress within some years; we are now where the Romans were two thousand years ago, and where the Spanish Government was when I went to the upper Louisiana. The Romans, the freest of people, and the Spaniards under a despotism, did the same thing; they gave land to the father of the family, and to the mother of the family, in proportion to the number of their children; and thus, a multitude of children became a double blessing to their parents. The father and mother of a numerous progeny were deemed public benefactors, and to deserve

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Annexation of Texas.

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well of their country, and were rewarded accordingly by grants of land to each parent and to each child. This was right; and the example of Rome and Spain has found imitation in our Oregon bill, suggested by my deceased colleague, improved on the motion of the Senator from Kentucky, (Mr. CRITTENDEN,) and sanctioned by the Senate in the passage of the bill. The principle will be adhered to, and not only the mother and father, the young men, and young women, and all the children born, will have land; but also all those to be born within five years after their parents reach the new land of promise. When Louisiana was purchased, Mr. Jefferson recommended a free grant of land to the first thirty thousand emigrants to the west of the Mississippi. Liberal principles were not then sufficiently advanced to sanction the grants proposed by Mr. Jefferson: they have made progress since under the discussion of the GRADUATION and PRE-EMPTION bills; and the emigrants to Oregon will have the advantage of this advance in liberal principles.

Let the emigrants go on, and carry their rifles. We want thirty thousand rifles in the valley of the Oregon; they will make all quiet there, in the event of a war with Great Britain for the dominion of that country. The war, if it comes, will not be topical; it will not be confined to Oregon; but will embrace the possession of the two powers throughout the globe. Thirty thousand rifles on the Oregon will annihilate the Hudson Bay Company, drive them off our continent, quiet their Indians, and protect the American interests in the remote regions of the upper Missouri, the Platte, and the Arkansas, and in all the vast region of the Rocky Mountains.

Besides the recovery of the country lost, or jeopardized by our diplomacy of 1818, the settlers in Oregon will also recover and open for us the *North American road to India!* This road lies through the South Pass, and the mouth of the Oregon; and as soon as the settlements are made, our portion of the North American continent will immediately commence its Asiatic trade on this new and national route. This great question I explored some years ago, and only refer to it now to give a glimpse of the brilliant destiny which awaits the population of the Oregon valley.

MONDAY, June 10.

*Annexation of Texas.*

Mr. BENTON made his promised motion for leave to bring in a bill to provide for the annexation of Texas to the United States. He said:

The treaty having been rejected, and that obstacle to success got out of the way, and the way being now cleared for open, honorable, and successful negotiations, he proceeded to the fulfilment of a purpose which had been for a quarter of a century on his mind. Texas, and

the country between the Red River and the Arkansas, had been dismembered from the United States in the year 1819, and had since remained under foreign domination. He had denounced that parricidal act in the moment of its perpetration, and had sought to undo it ever since. He had conversed with Mr. Clay, in 1825, when Secretary under Mr. Adams; had applauded his design to recover the sacrificed territory; and volunteered his promise of support to Mr. Adams's administration in that laudable undertaking. He had supported President Jackson and Mr. Van Buren, in the same design in 1829, and wrote *Americanus* and *La Salle* to promote their success. Since the commencement of the Texan revolution—the success of which was never for one instant problematical in his eyes, he had waited the events which were of themselves, and without a shock to our Mexican trade, to restore the dismembered territory to its natural possessor; and saw, in the approaching termination of the Mexican and Texan war, the natural and speedy consummation of that cherished conjunction. The war was expiring. The armistice, and the interposition of great powers, was bringing it to a close; and the day was at hand when the re-union of Texas would have come of itself; and with peace and honor, when this insidious scheme of sudden and secret annexation, and its miserable pretexts, was fallen upon by our hapless administration. From the moment that scheme, and its pretext, first revealed itself to public view, at a public dinner in Virginia, in the autumn of the last year, I denounced it as an intrigue, got up for the election; and to end in the disgrace of its authors, and in the defeat, delay, and embarrassment of the measure which it professed to desire. I particularly made this denunciation to the gentleman (Mr. A. V. Brown) who had got the letter from General Jackson in February, 1843, and who seemed to be vicariously charged with some enterprise on my humble self. It was at the commencement of the present session of Congress; I answered him on the spot; and, as I have no concealments, the gentleman referred to is at liberty to relate all that I said to him to the whole world.

The intrigue went on: the treaty was obtained—by what means I need not repeat. It has answered a part of its purposes, and is dead! and it is now for the old friends of annexation to return to their task, and to consummate their work. As the oldest of these old friends, I now resume my task where I left it off at the breaking out of the Texan revolution, and shall go to work constitutionally, honorably, and disinterestedly, to provide for the annexation of Texas to the United States, and all the sacrificed territory, of which it was, from 1803 to 1819, a legal part, and of which it now is, and forever has been, a natural and geographical part.

I begin at the beginning—with a bill to authorize the President to treat for annexation,

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and for an adjustment of boundaries, with Mexico and Texas.

I begin with a law, which is to be the foundation of the treaty; and propose to treat with both parties, because each have rights or claims to be adjusted, and interests to be conciliated. With Mexico we have a boundary to adjust in the event of recovering Texas; and Mexico has an unrelinquished claim upon the sovereignty of Texas, which it would be better, and cheaper, to settle by treaty than by war, or even by the breach of treaties which may involve the loss of commerce. I begin where our administration ended—with offering to treat with Mexico as well as with Texas.

In laying a legislative foundation for this double negotiation, which we hope to end in admitting new States into the Union, I conform to the Constitution of the United States, to the genius of our free institutions, and to the precedent set us by Mr. Jefferson, and the Congress of 1806, when the acquisition of the Floridas, and the settlement of this same south-western boundary, was the design of the Government; and when legislation was the basis of its movement.

By our constitution, Congress alone can admit new States into the Union: it is nugatory, therefore, for the President and Senate to stipulate for such admission without the consent of both Houses of Congress. To be sure, a subsequent consent may be had, and the defective proceeding may be cured; but deference to the legislative body, security to the ultimate design, decorum between co-ordinate bodies, and regularity of action, all require the law to precede the treaty, and to authorize it; and this precession of the legal authority should never be avoided when there is time to obtain it. In cases of ordinary treaties, the President may open negotiations without the sanction of Congress; but in the great point of acquiring foreign territory, and admitting new States into the Union, the sanction of Congress is an indispensable preliminary! for how can the President and Senate promise to admit new States without first having the promise of Congress? and there is no way for Congress to give the promise but by law. The individual opinions of members are no foundation for such a responsible stipulation; and neither could be solicited, nor volunteered, without compromising the independence of members, degrading the legislative authority, opening the door to dangerous collusions, and leading to scenes which may end in fraud and disappointment. Neither the member, nor his successor, can be bound by such extrajudicial commitment of opinion.

The genius of our free institutions demands consultation with the people wherever it can be had. Even in the business of ordinary legislation, this consultation is always exacted. How much more indispensable when the territorial and popular basis of the existing com-

munity is to be altered by the incorporation of a new country and of a new people!

Consonant as it is to our constitution, and to the genius of our free institutions, to consult the people beforehand on the great measure of adding a new country to our own; it is also conformable to the practice of our Government in its early and purest day. I allude to the administration of Mr. Jefferson, and his attempts to purchase the Floridas from Spain, and to settle the south-western boundary of Louisiana with that power. This was in the year 1806. Mr. Jefferson, in a confidential Message to the two Houses, applied to them for legislative authority to negotiate the acquisition. Mr. Randolph of Roanoke, from the committee charged with the consideration of the Message, reported in favor of its object, specifying what was to be done, and appropriating money for its accomplishment. The report recommended the acquisition of the Floridas, and the adjustment of the south-western boundary of Louisiana, "So as to secure to Spain an ample barrier on the side of Mexico, and to the United States all the countries watered by the Mississippi." This recommendation, digested into a resolution, was adopted by the House of Representatives on the 14th of January, 1806, by a vote of 80 to 52; and two millions of dollars agreed upon as the sum to be appropriated. This was the resolution:

*"Resolved, That an exchange of territory between the United States and Spain is deemed, by this House, to be the most advantageous mode of settlement of existing differences respecting limits between the United States and the court of Madrid; and that any arrangement between the two Governments which shall secure to Spain an ample barrier on the side of Mexico, and to the United States the countries watered by the Mississippi, and to the eastward of it, will meet the approbation of this House."*

This was the way of proceeding in that early and pure day, in acquiring territory and settling boundaries. The President, by Message, informs the two Houses of Congress what he wishes. Congress informs him, by resolution, what it will approve; and upon this foundation the President safely made his promise that the Floridas, if acquired, should be admitted into the Union as a State, or States. The substance of the resolution, formed into a bill, and subsequently enacted into a law, took the form of an appropriation of two millions of dollars to defray any extraordinary expenses which might be incurred in the intercourse between the United States and foreign nations—a mystification which was adopted in the law for reasons of State policy, while the object of the appropriation and its limitation was precisely declared in the secret resolution which was the key to the act.

This was the mode of acquiring foreign territory and settling boundaries, which was fol-

lowed in the time of Mr. Jefferson, and which I propose to follow now. Alas! how different from the proceedings which we have lately witnessed! And with this precedent, added to the argument found in our constitution, (which secures to Congress the right to admit new States,) and in the genius of our free institutions, which requires the people to be consulted in all important changes, I submit the proposition that there ought to be a law passed for the admission of Texas into our Union, before the President and Senate undertake to admit her by treaty.

So much in favor of a legislative foundation for our side of the negotiation. With respect to Texas, some fundamental act for the negotiation on her side is still more obviously necessary. She is the country to be incorporated. Her sovereignty is to be merged in ours. She is to disappear from the firmament of nations. From an independent power she becomes a part of our confederacy; and it surely requires some authentic act of her people to justify so great a change. Her President and Senate have no right to do it by a secret treaty! They are to take care of the country, and not to transfer it, or give it away. The Senator from Massachusetts (Mr. CHOATE) placed that in a clear light. Some fundamental act of the people is necessary for that purpose; and while I have not a particle of doubt but that the people of Texas now are, always have been, and forever will be, in favor of becoming a part of the Union, yet it is neither safe nor becoming to act upon that assumption without the evidence of its truth. The act is too momentous, and the precedent too dangerous, to admit of assumptions in place of proof. What would become of weak States if a powerful neighbor was at liberty to swallow them up when she pleased under the form of a governmental transfer by the executive officers? or a supposed wish of the people, without the evidence of their wish? The honor of the United States, and the safety of Texas, require their reunion to be not only voluntary on both parts, springing from the consent of both people, but also evidenced by authentic acts, borne on the history, and saved in the archives of each.

I. The bill which I ask leave to bring in, besides authorizing and requesting the President to treat with Mexico and Texas for an adjustment of boundaries, and for the annexation of the latter to the North American Union, proposes some basis for the treaties expected to be made. Boundary is one of these; and in this the basis conforms to the geographical divisions of the country—to our natural and proper limits—to the line first indicated in President Jackson's proposition, as communicated by Mr. Van Buren to Mr. Poinsett in 1829; and it conforms to the boundary designated in Mr. Randolph's report of 1806, and to the resolution of the House of Representatives, adopted in pursuance to that report, and already read to the Senate. Leaving the Rio Grande

and all its valley and waters to the Mexicans, and the Mississippi valley and all its waters to the United States, it proposes to follow the mountain heights from near the South Pass, in the Rocky Mountains, called FREMONT'S Pass, in the map of the topographical bureau, along the Sierra Obscura, (Dark Mountain,) until it subsides into a plain as it approaches the Gulf of Mexico; and then reaching the gulf by a line in the desert prairie to the west of the Rio Nueces, (Walnut River.) This is the boundary between the United States and Mexico pointed out by the finger of nature, agreed upon by eminent statesmen, as proper for Mexico as for ourselves, and written down in the book of fate, and the law of nature, as the true and permanent boundary between the two first powers of the New World. Soon or late, that boundary will be established.

II. The consent of the people of Texas to the proposed annexation, to be evidenced by some public and authentic act, is the second basis proposed; and upon the necessity of this I will say no more, having sufficiently presented my views upon it. I reply to the assertion that we have the evidence of her consent, and ask where? In the vote eight years ago? Certainly an offer does not stand forever—neither in love, law, trade, nor politics. The Texan offer, founded upon the vote of 1836, was declined in 1837! and there was an end of it. They say there is a secret act of Congress: I answer, it is not a case for a secret, and I have not seen it. Even the letter of the member of the Texan Congress to myself has never come to hand. I have only seen the printed copy in the newspapers: by the fatality which seems to attend communications in this case, it has not yet come to light. Still I have no doubt of the consent of the people. I know them, and their hearts, and that they are American and republican, and pine in sorrow to return to us. Poll them—take the vote any way. Let a messenger ride up to the fence, and ring a bell, or blow a horn, or fire a gun, and call out the household, and put the question: Do you wish to be united to the United States? and one universal shout of *Yes!* will be the answer. I know this. But that does not supersede the necessity of the evidence. If my friend gives me a bit of land, and I know he will never take it back, I still want a piece of paper-writing, to evidence the gift.

III. The admission of a State into the Union, which will comprise the bulk of the present population of Texas, is a third basis, and a most important one, in the bill which I propose. This State, with an extent equal to the greatest in the Union, but not greater, is proposed to be admitted by the act itself (when the annexation takes effect) and without requiring the consent of a future Congress. This is a vital provision. It avoids the whole danger of a future Missouri controversy; and displays the eminent advantage of a legislative basis for the annexation. No treaty could secure such ad-

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mission. It could only promise it, and that without authority, unless the legislative act had been obtained. No treaty is equal to the admission of a State, without the sanction of a law: no law can operate the admission of a foreign State without the aid of a treaty; the combined action of both is wanting; and this is precisely what my bill provides. Under it, the State of Texas would be in the Union by law, from the day of the completion of the treaty of annexation; and all the details of admission requiring the consent of both parties would be adjusted by treaty.

IV. The State of Texas would probably form a square of about 60,000 square miles, in the eastern part of the republic of Texas, between the Red River and the Gulf of Mexico, and bordering on the State of Louisiana: the remainder of the present republic would become a territory of the Union, very naturally taking the name of the South-west Territory. As a territory, it would be held and governed until the growing population should require the formation of New States.

V. The division of this territory into slave and non-slaveholding States, is a fifth basis proposed by my bill; and, happily, the extent of the country, and its variety of soil and climate, will make such a division easy and desirable. In extent, the whole annexed country will be about two hundred thousand square miles. Its southern half will make two slave States, both large and respectable, as frontier States should be: its northern and north-western half would form two non-slaveholding States, equally large and respectable. The extreme northern part would extend to north latitude 42; which is the latitude of Boston, and six degrees north of the Missouri compromise anti-slave line; but it is not latitude alone which, in that clime, determines the boundary between the planting and the grain-growing regions. Altitude, or elevation, accomplishes the work of northern latitudes; and all the north-west part of Texas, approaching lofty mountains, becomes unfit for the productions which give profit to the labor of slaves. In these elevated parts, two free States of fifty thousand square miles each, may be formed; and the line being drawn in the fundamental act, the character of each will be fixed, and all danger of Missouri-restriction controversies will be forever avoided.

The assent of Mexico to the annexation, and settlement of boundaries, is a sixth proposed basis, but that assent is not made indispensable. This basis goes upon the idea that the assent of Mexico is now necessary, but may cease to be so; and of that contingency, the Congress of the United States is constituted the judge. It will be the constitutional judge; and if it should involve the United States in war, whether just or unjust, it will at least have the constitutional right to do so, which the treaty-making power, and still less the President alone, has not. This was a deadly objection

to the defunct treaty, and alone sufficient with me to cause the rejection of that wretched conception.

The assent of Mexico is now deemed to be necessary as a matter of right, and desirable as a matter of policy. She has a war with Texas, suspended by an armistice, to which we become party by taking Texas without her consent. Neutrality has been our policy up to the present time; and if that war is resumed with respectable forces, neutrality will be still our duty. The President of the United States is not Louis the 16th, to take revolted colonies by the hand, and make their cause his own! We must wait the expiration of the armistice: it would be a hideous crime to break it, and to frustrate the preparations for peace, so laudably promoted by European powers! Not a gun has been fired since the proclamation of that armistice, and never may be if we do not assume the war. And if we do assume it, under such circumstances, we incur a great responsibility in the eyes of God and man. Policy and interest, if not justice and honor, should make us refrain from this war. We have, or rather had, a great commerce with Mexico, which deserves protection instead of destruction. Our trade with this country commenced in the first year of her independence—1821—and we received from her that year \$80,000 in specie. It increased annually, and vastly, and in the year 1835—the year before the Texan revolution—this import amounted to \$8,843,181, on the custom-house books, besides the large amounts not entered. Our sympathy and supposed aid to the Texans lost us the favor of the Mexicans, and this import ran down in seven years to \$1,842,817. New Orleans, and through her, the Great West, was the greatest gainer by this import of specie while it flourished—of course the greatest loser when it declined; and instead of destroying the remainder of it, and all commerce with our nearest neighbor, by an unjust assumption of a war against her, we should rather choose to restore this specie import to its former maximum, and to increase it. We should rather choose to cherish and improve a valuable trade with a neighbor that has mines, and whose staple export is silver, which is exchanged for our agricultural productions after these productions have gone to Europe, or the West Indies, and been changed into fine goods, or groceries. Atlantic politicians, hot in the pursuit of Texas, may have no sympathy for this Mexican trade, but I have! and it has been my policy to reconcile the two objects—acquisition of Texas and preservation of the Mexican trade—and, therefore, to eschew unjust war with Mexico as not only wicked, but foolish!

I am for peace with Mexico; and therefore I am for treating her with respect, and obtaining her consent fairly and honorably, if practicable, to the annexation of Texas. It is to her interest to consent, and respectful treatment will be more potential than indignity and out-

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rage in convincing her of that true interest. Still, I do not make the annexation dependent upon this assent. It is to be sought, and obtained, if practicable : but Mexico may refuse to give it. She may still keep up a desultory war, and affect to reclaim her revolted province. In that event, my sixth basis refers the question to Congress to decide whether her consent has ceased to be necessary ! and if the solution of the question brings war, we shall at least have the consolation to know that it comes constitutionally ! that it is brought upon us by the authority that has the constitutional right to make war ! and not by the unconstitutional act of the President and Senate, or President alone !

Mr. B. then offered his bill, as follows :

*A bill to provide for the annexation of Texas to the United States.*

*Be it enacted, &c.,* That the President of the United States be, and he hereby is authorized and advised to open negotiations with Mexico and Texas for the adjustment of boundaries, and the annexation of the latter to the United States, on the following bases ; to wit :

1. The boundary of the annexed territory to be in the desert prairie west of the Nueces, and along the highlands and mountain heights which divide the waters of the Mississippi from the waters of the Rio del Norte, and to latitude 42 degrees north.

2. The people of Texas, by a legislative act, or by any authentic act which shows the will of the majority, to express their assent to said annexation.

3. A State, to be called "*The State of Texas*," with boundaries fixed by herself, and an extent not exceeding that of the largest State in the Union, be admitted into the Union, by virtue of this act, on an equal footing with the original States.

4. The remainder of the annexed territory to be held and disposed of by the United States as one of their Territories, and to be called "*The South-west Territory*."

5. The existence of slavery to be forever prohibited in the northern and north-western part of said Territory, so as to divide, as equally as may be, the whole of the annexed country between slaveholding and non-slaveholding States.

6. The assent of Mexico to be obtained by treaty to such annexation and boundary, or to be dispensed with when the Congress of the United States may deem such assent to be unnecessary.

7. Other details of the annexation to be adjusted by treaty, so far as the same may come within the scope of the treaty-making power.

The bill was then read, and ordered to a second reading ; and,

On motion of Mr. BENTON, ordered to be printed.

*Death of the Hon. Almon H. Read.*

A message was received from the House announcing the death of ALMON H. READ, late a Representative from the State of Pennsylvania, and that resolutions had been adopted testifying the respect of that body for the memory of the deceased, and asking the con-

currence of the Senate therein : which being read,

Mr. STURGEON rose and addressed the Senate as follows :

Mr. President : The message just received, announces to us that death has again been in our midst. Whilst we have been earnestly engaged in the vain struggles of this mortal life, death has often, since the commencement of the present session, intruded itself, and selected its victims, to remind us that we are but pilgrims and sojourners on the earth, as our fathers were.

ALMON H. READ, our late esteemed associate and friend, is no more. He died at his residence in Montrose, Susquehanna county, Pennsylvania, surrounded by an affectionate family and sympathizing friends, who did all that human kindness could do to alleviate the sufferings of his last illness, and smooth his passage through the dark valley of the shadow of death.

Mr. READ was born at Shelburne, in the State of Vermont, on the 12th of June, 1790. He received his education partly in the University of Burlington, in his native State, and partly at Williamstown College, in the State of Massachusetts, and was a good classical scholar. In 1814, he settled in Montrose, Pennsylvania, where he resided to the day of his death.

My acquaintance commenced with Mr. READ in 1827, when he first took his seat in the legislature of Pennsylvania. Our friendship continued uninterrupted from that time till a few weeks since, when he left the seat of Government for his home, to leave his remains among those who knew him best and loved him most. Mr. READ was elected to the popular branch of the Pennsylvania legislature five successive sessions. Although he could not be called the originator of our State internal improvement system, yet it owed much of its progress to completion to his energy, activity, and perseverance. In 1832, he was elected a member of the State Senate, and for four years was actively engaged in carrying out his early views on the subject of our improvement system. In 1836, he was elected a member of the convention to amend the constitution of the State ; and here, although on a new theatre, and having new subjects to engage his attention, the character of Mr. READ for talents lost nothing by the change. He appeared to much advantage, when coming in mental collision with the talented men who were assembled together on that occasion. He showed himself intimately acquainted with our forms of government. He was bold in announcing his views, and energetic in carrying them out. The various speeches made by him on that occasion, will hand down his name to posterity as a civilian of the first order, logical in debate, and energetic in action. A short time after the dissolution of the convention, he was elected State Treasurer, in which situation he served one year. He was subsequently elected

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twice as a member of Congress. Here his talents were not so conspicuous, nor could they be properly estimated, because previous to his taking his seat, that fell destroyer, so flattering in its progress to the subject of it, yet holding out no consoling hopes to the observant friends, had marked him for its victim. He died of consumption on the 8d inst., in the 54th year of his age.

Mr. READ was a sincere friend, an affectionate husband, and a kind and tender parent. He left no wife to sorrow over his grave—the partner of his bosom having preceded him to the tomb but a few short months; but he has left an amiable and interesting family, to whom the bereavement must be peculiarly poignant. Let his example urge them on to imitate his course; and while they lament his death, they lament not as those without hope. He died as he had lived, “an honest man, the noblest work of God.”

Mr. S. concluded by submitting the following resolutions:

“Resolved, That the Senate has received with deep sensibility the communication from the House of Representatives, announcing the death of the honorable ALMON H. READ, representative in Congress from the State of Pennsylvania.

“Resolved, That in token of sincere and high respect for the memory of the deceased, the members and officers of the Senate will wear crape on the left arm as mourning for thirty days; and as a further remark of respect—

“Resolved, That the Senate do now adjourn.”

The question was put, the resolutions were unanimously adopted, and

The Senate adjourned accordingly.

#### HOUSE OF REPRESENTATIVES.

MONDAY, June 10.

#### *Death of the Hon. Almon H. Read.*

Mr. BIDLAOK rose and addressed the House as follows:

Mr. Speaker: In pursuance of the request of the delegation from Pennsylvania, I have risen for the purpose of announcing the mournful intelligence of the death of one of our colleagues. The Hon. ALMON H. READ, late a member of this House, died on the 8d of the present month, at Montrose, the place of his residence, in the county of Susquehanna. Mr. READ was 58 years of age. He was born at Shelburne, in the State of Vermont; he was three years at the University at Burlington, and subsequently a student at Williamstown College, in Massachusetts.

In the year 1814 he settled at Montrose, in the State of Pennsylvania, where he became a respectable member of the bar. In 1827 he was elected a member of the Pennsylvania legislature, and having served faithfully five years in the House of Representatives, he was chosen a member of the Senate, where he re-

mained four years. Before the expiration of his senatorial term, he was elected a senatorial delegate to the State convention to amend the constitution. In 1840 he was elected Treasurer of the State, and was subsequently returned to fill a vacancy as a member of this body in the last Congress. In all these numerous and varied political relations, he acted well his part, and “there all the honor lies.” He was possessed of a strong, vigorous, and cultivated intellect, which enabled him to be a distinguished member of all the deliberative assemblies with which he was associated, so long as the health of his body permitted the free and full exercise of the powers of his enervated mind.

He is now no more! In the circumstances attending this painful event, how forcibly are we reminded of the uncertainty of all human calculations! When I first had the honor of taking a seat upon this floor as a member, it was in company with my friend and colleague, the immediate predecessor of Mr. READ, whose death we now deplore. That gentleman (Mr. Dimock) was then in the enjoyment of health and all the rainbow prospects of buoyant youth and brilliant expectations. At the next session we were called to the solemn ceremony of placing him upon the long list of those whom the angel of death selected for his victims from the Pennsylvania representation. He served to swell the unexampled number that made Pennsylvania a chief mourner, and called her so repeatedly to deplore her loss. At the commencement of the present session, Mr. READ, although he was in a feeble state of health, was anxious, as he always had been, to do all in his power for the faithful discharge of his duties that devolved upon him. He accordingly repaired to this city, and for a time attended the sessions of this body. It was soon apparent, however, both to himself, his physicians, and his friends, that neither prudence nor duty would sanction any further efforts of that nature. Finding himself daily growing more feeble, and, as was very natural, desiring, under such circumstances, the soothing cares and attention of his own family at his own fireside, for the absence of which nothing else could compensate, he made use of his little remaining strength to return to his home. It is some consolation to us to learn that he was permitted to arrive there, and to breathe his last wishes and last hopes in the presence of those who knew him best and loved him most. Who does not admit that nothing that I can say, and nothing that we can do, will assuage their grief or dry their tears? Let their tears flow on; I would not stop them if I could; they become the woman, whilst they degrade not, but elevate the man; and they alleviate the panting emotions of the wounded spirit. If there be aught in this cold world that can assist the consolations of religion to smooth the dying pillow, we must all look for it, and hope for it, in the angel-like ministrations and

attentions of those who are bound to us by the ties of affection and love.

I have said he died at home. Is there a heart that does not leap at the mention of home? As we are now soon to part, may I not be permitted to take this occasion to wish you all a safe return; and whatever may befall us through life, to hope that we, when called to die, may "die among our kindred and friends," and be surrounded by the exhibitions of their regard while we remain, and of their remembrance when we are gone? I have been pained to hear it said that all the honors paid to the dead are but solemn mockery. Who does not feel that these tokens form a kind of frontier between this world and the next? between the living and the dead? There is around them an eloquence of feeling as deep and strong as the sources of life itself. They point beyond the din and turmoil of this existence to brighter and purer scenes of action above the clouds of life's darkness, and out of the reach of the influence of its chilling blasts and merciless storms.

There is, perhaps, no emotion of the human heart more ennobling and commendable, and, at the same time, more controlling, than that which constrains us to desire the love and esteem of those who are associated with us while we live, to be with our family and friends when we die, and to have an assurance that our memories shall be cherished with tokens of grateful recollection when we are gone. Oh! who could endure to *live* without friends; or, having them, to *die*, in the expectation of being forgotten by them? It was the influence of feelings like these, under the fear of being to "dumb forgetfulness a prey," that induced the exclamation, "Plato, thou reasonest well."

It was this which, even under the feeble rays of nature's light, produced that "longing after the immortality" which was "brought to light in the Gospel."

This sentiment should be encouraged, not for any effect it can have upon the departed, but for the benefit of the living. It is, in some measure, in expectation of the grateful acknowledgment of posterity that the true philosopher and statesman toils amid difficulties; and to some extent, from the same motive, the true hero "dares to die for his country." It is this which has led to the erection of the pyramid, the mausoleum, and the monument, and which causes us to look with so much emotion upon the tumulus that covers the ashes of the mighty dead.

Aside from the hopes in which we may indulge beyond the grave, there is nothing but the enjoyment of this sentiment, which may be termed the poetry of our existence, that is so much calculated to render existence desirable. It is the encouragement of this feeling which has sanctioned the custom, in pursuance of which I have made this public announcement of the death of our colleague, and now ask the adoption of the following resolutions.

He concluded by offering the usual resolutions of condolence and sympathy, agreeing to wear crape for thirty days, and, as a further mark of respect, the cessation of all legislation during the day.

The House then adjourned.

IN SENATE.

TUESDAY, June 11.

### *Naturalization of Aliens.*

Mr. BUCHANAN presented two memorials from citizens of the Commonwealth of Pennsylvania, residents of Philadelphia county and city, asking that the naturalization laws be so amended as to require of foreigners a residence of twenty-one years in the country previous to the privilege of voting being conferred; and that such privileges should be granted under more solemn sanctions than are at present required: referred to the Judiciary Committee.

Mr. ARCHER presented eleven memorials, numerous signed by citizens of the city and county of Philadelphia, of the same character, requiring a residence of twenty-one years of foreigners before conferring on them the privilege of voting.

Mr. A. said, before moving the reference of these memorials, he deemed it necessary to advert to some remarks made a few days ago by the honorable Senator from Pennsylvania, (Mr. BUCHANAN,) in which he expressed the wish that the Judiciary Committee would take action on the memorials upon this subject this session of Congress; from which remarks it might be supposed by the nation that action would or could be had on them this session. It was proper (said Mr. A.) that the memorialists should know that the time was too short before the adjournment to admit of the possibility of decided action by the Judiciary Committee upon their memorials. He did not, therefore, concur in the opinion of the Senator from Pennsylvania that that committee should act upon so important a subject in so short a time; and he would take that opportunity to say that, when an occasion proper should arise, if no one in that body more competent to the task should move in the matter, he would put himself forward to make the motion necessary to secure the object of the petitioners.

Mr. BUCHANAN. Do I understand the Senator from Virginia to say that the Committee on the Judiciary would not act upon the memorials this session?

Mr. ARCHER could not speak for that committee, but expressed the opinion that, from the shortness of time, it would be impossible for that committee to act this session.

Mr. BUCHANAN remarked that he had urged action upon the memorials at the instance of the memorialists. He had received several letters urging him to endeavor to procure action upon the subject this session.

Mr. ARCHER said it was not that he was



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adverse to action on the memorials this session, if it could be had, which had induced him to make the remark; but he wished it to go abroad, without presuming to indicate it as the excuse of the committee, that the time was too short to decide upon a question of such magnitude this session. If the committee should find time, he presumed the subject would be attended to. If not, the reason should be known. It was not now necessary to show that there was no indifference on the part of the Senate to the subject of the memorials.

Mr. BREWER said he had listened to the suggestions of the Senator from Pennsylvania the other day, on this question, of the action of the Committee on the Judiciary, in silence, because he thought it did not become him to anticipate the views or desire of a committee of which he was a member; but, at the same time, under the conviction which he thought actuated every individual who had heard the remarks of that Senator in relation to action on a question of this magnitude this session. There could hardly be found, during this part of the session of Congress, any committee of this body to bestow the necessary attention upon this subject. Here was a question of the greatest importance, and so considered ever since the foundation of the Government, which had recently been productive of great excitement, the result of which was very deeply to be deplored. In this state of agitation of the public mind, the memorialists had presented their prayer, at a very late period of the session of Congress; and the Committee on the Judiciary were called upon to make a report. These memorialists, of course, desire their prayer to be granted. If the committee were to act now, they would either have to condemn the prayer, or suggest some rule of action upon the subject. The Judiciary Committee had a variety of matter before them now, which engaged and occupied their attention. He had not yet had an opportunity of ascertaining what the opinion of the committee was in relation to the course which ought to be pursued in relation to these memorials; and until that was done, he did not consider himself at liberty to say what that course would be. He had reason, therefore, to hope that, in consequence of the urgency that had been expressed by the Senator from Pennsylvania, that this subject would gain the attention of the committee; but at the same time, to express the opinion that it was too late in the session for the agitation of so important a question, and too late to authorize the anticipation that it would receive the deliberate action of the committee.

Mr. ALLEN said: I wish to make a remark or two on the subject of these memorials, other Senators having done so.

[Here the Chair suggested that there was no question before the Senate.]

To which Mr. ALLEN replied: There is no

question *formally* before the Senate; but other Senators have proceeded *informally* to express their opinions as to the object of the memorialists, and the propriety of the Judiciary Committee reporting upon the subject at the present session. I desire, therefore, with the permission of the Senate, to express, very briefly, my opinion. The Senator from Virginia, (Mr. ARCHER,) if I understood him aright, declared that he agreed with the memorialists; that the laws ought so to be altered as to require all native-born citizens, of other countries, who come to reside among us, to remain disfranchised for *twenty-one years* before they are allowed to be naturalized; and that, if no other Senator did so, he would, at the next session, introduce a bill for that purpose. [Here Mr. ARCHER said, "Certainly," "certainly."] Well, sir, I stand here utterly opposed to any such change of the laws to the prejudice of these people. [Here Mr. BUCHANAN said, "That is right; that is right."] I shall oppose it, not only on the general ground of its manifest injustice and inhumanity towards these people, but also, because nothing could tend more to exasperate the feelings of men and to disturb that harmony which it is so desirable should subsist between all parts of our population. I can conceive nothing more certainly calculated to excite hostility to our institutions in the very bosom of our country, than a measure which proposes to exclude from the benefits and rights of citizenship, hundreds of thousands of honest, industrious, and upright men, who have quit their native land, because of the oppression which there they suffered, and sought freedom under our flag, which they are ever ready to defend. When such a measure shall be presented, I shall resist its adoption to the uttermost of my power.

#### Naturalization Again.

Mr. BENTON presented a memorial from the citizens of the city and county of Philadelphia, in favor of extending the probation of foreigners to twenty-one years before naturalization.

Mr. B. said he was opposed to the prayer of the memorial; and adopted the remarks of the Senator from Ohio (Mr. ALLEN) this morning, on the subject. He concurred fully with those remarks.

#### HOUSE OF REPRESENTATIVES

WEDNESDAY, June 12.

#### Personal Explanation.

Mr. AARON V. BROWN said that he felt constrained to ask the indulgence of the House whilst he submitted a few observations personal to himself. The near approach of the adjournment compelled him to take this course as the only method of vindicating himself against a certain publication in yesterday's

Globe. He was compelled to speak of it as a newspaper publication, because he could not, under the rules, refer to the debates in the other end of the Capitol. He begged leave to read the following paragraph from that paper:

"The war was expiring. The armistice, and the interposition of great powers, was bringing it to a close; and the day was at hand when the reunion of Texas would have come of itself, and with peace and honor, when this insidious scheme of sudden and secret annexation, and its miserable pretexts, was fallen upon by our hapless administration. From the moment that the scheme, and its pretexts, first revealed itself to public view, at a public dinner in Virginia, in the autumn of the last year, I denounced it as an intrigue, got up for the election; and to end in the disgrace of its authors, and in the defeat, delay, and embarrassment of the measure which it professed to desire. I particularly made this denunciation to the gentleman (Mr. A. V. Brown) who had got the letter from General Jackson in February, 1843, and who seemed to be vicariously charged with some enterprise on my humble self. It was at the commencement of the present session of Congress; I answered him on the spot; and, as I have no concealments, the gentleman referred to is at liberty to relate all that I said to him to the whole world."

Now, sir, (said Mr. B.,) I mean to make no reply to any portion of that publication but what relates personally to myself. The insinuation as to the "vicarious" character which I "seemed" to sustain in the conversation alluded to, is wholly destitute of foundation. There is not one word of truth in it, whatever the impression of that Senator (Mr. Benton) may have been at the time, nor the slightest pretext for it. The conversation referred to was not confidential, nor held at any private interview between us. We casually fell in company, as members frequently do, in going to or from the Capitol to their boarding-houses. We were walking on the public pavements, when the conversation chanced to turn on the subject of annexation. He advanced some of the opinions which he has since avowed in his speeches. The distance of our walk would not have allowed him to advance them all. He was vehement in denouncing the motives which had induced the President to bring forward the subject, and the secret influences which he believed had prompted him to do so. This latter suspicion, and the surprise which the general tenor of his remarks excited, (for I had never doubted that he would be warmly for it,) induced me to refer to my correspondence with General Jackson on the subject. I made this reference with the hope that when he should learn that his great friend (General Jackson) was so intimately connected with the effort to acquire that fine country, he would pause and mature the subject well before he threw himself in opposition to the measure. Sir, up to that time I had never stopped to consider how the question would operate on the coming presidential election; and my conversation had no reference whatsoever to its in-

fluence that way. It could not have had any such reference, for I was then a warm and decided friend to Mr. Van Buren's nomination, and had done much, in my own State and elsewhere, to suppress any movement calculated to prevent it. This single fact, known to hundreds, must forever exonerate me from the imputation of having aided or abetted, *vicariously* or otherwise, in getting up and sustaining this Texas movement for any political purposes.

Whatever part I have taken in getting it up has been very humble and unimportant; but I am free to make it known to the world, and to defy any man or all men successfully to impugn my motives.

Early in the winter of 1842-'3, I became convinced that the affairs of Texas were coming rapidly to a crisis, and that she must find some strong support, or she could not sustain herself to any advantage among the independent nations of the earth. Hence it naturally occurred to me that the most favorable period would shortly arrive for its re-annexation to the United States. I saw the present administration peculiarly situated. A President without a party—nay, worse than that, a President between two great parties, seldom sustained by either, and often warred upon by both. Under such circumstances, I apprehended it might be difficult to prevail on him, however anxious he might be personally to do so, to enter on any great measure such as the acquisition of Texas. Influenced by these opinions, in January, 1843, I addressed a letter to General Jackson, adverting to many or all of these circumstances, and expressing the belief that, if his opinions were still in favor of the measure, as I knew they formerly were, a clear and decided letter from him might be useful in rousing up or sustaining the administration in making such a movement. In the spirit of ardent affection and admiration, I expressed the desire that his name should be connected with a great achievement like that, and that it would be the crowning glory of his long and eventful life. I give the substance and not the words of the letter. I was so explicit as to the use I intended to make of his letter in inciting the administration to make the movement, that I think I desired him, if he was unwilling for it to be so used, not to write it. Sir, his reply was received. It was used; and I have reason to believe that it did much good in encouraging the President to enter on this great work. It has also been published to his countrymen; and I rejoice to see every day the good that it is accomplishing.

And now, Mr. Speaker, what is there in this simple narrative that should have called down on me the animadversion of anybody, especially of that distinguished Senator with whom I perfectly agreed as to a presidential candidate, and for whom I have ever borne the highest testimony to his patriotism and talents. He speaks of absolving me of all secrecy, and

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*Funeral Expenses of the "Princeton" Victims.*

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kindly informs me that I am at liberty to state all that he said to me on that occasion. Sir, there was no secrecy, and nothing was said by him which he might not well be willing that the whole world should know. But let me tell you, in that respect, I stand on as high grounds as he does, and as proudly challenge every insinuation against either my motives or my actions. I have not arraigned him in any respect, neither ought he to have arraigned mine.

*Funeral Expenses of the "Princeton" Victims.*

Mr. HOPKINS offered the following resolution, which he said he was satisfied would meet with no objection:

*Resolved*, That the Clerk of the House of Representatives, and the Secretary of the Senate, if the Senate concur, be directed to pay (half out of the contingent fund of the House, and the other half out of the contingent fund of the Senate) the funeral expenses of those that were killed on board the steamer Princeton, provided that the amount thereof does not exceed the sum of \$1,450.

Mr. DRUMGOOLE objected to the form of the resolution; for it would not only require the concurrence of the Senate, but the signature of the President of the United States, to enable this House to expend a portion of its own contingent fund. He also objected to it, because it proposed an expenditure to defray the funeral expenses of persons who were not members of this House, and some of them but private citizens. He entered into some explanation of the usual restriction on the expenditure of the contingent fund; and remarked that he objected to this resolution because it would establish a precedent which would cover any variety of cases hereafter, and involve Congress in the expense of burying any individual who, by accident, or misfortune, or in the course of nature, may die here. After some other observations, he expressed his opposition to the resolution, and concluded by asking for the yeas and nays thereon.

Mr. CAMPBELL said he had supposed that the expenses of the funeral of those who were killed on the occasion of a calamity which covered the whole nation with mourning, would have been paid without a single objection. He, however, rose, not to reply to the remarks which had been made, nor to continue in any way the debate, but to move the previous question.

Mr. HOPKINS (the motion for the previous question having been withdrawn) said his colleague's objection came too late: the time for such objection was when a committee was appointed by the House to meet a committee on the part of the Senate, to make arrangements for the funeral of the late Secretary of State and the Secretary of the Navy. But no objection was made then, and liabilities had been incurred which must be defrayed by somebody. How did his colleague (Mr. DRUM-

GOOLE) propose to pay the expenses which had been incurred? Coffins had been supplied, laborers had been employed to assist in the funeral obsequies, and hacks were hired to carry the persons who took part in the procession; the very mourning which his colleague (Mr. DRUMGOOLE) wore by the order of this House, remained unpaid for, and it was proposed that the petty sum which was contracted by order of this House, should remain unpaid. To him it was a matter of but little consequence by what department it was paid, but it was a matter of some consequence whether it was paid at all. To the people it matters nothing whether it were paid out of the contingent fund of this House, or of the State or Navy Department, for it would come from the national treasury, whatever the department might be that should make the immediate payment. And they knew that propositions of this sort were very frequently adopted. Members of this House were buried at the expense of the Government, because they were the officers of the Government; and the Secretary of State and of the Navy, had also been thus buried, because they were the officers of the Government. To obviate one objection raised by his colleague, he would modify his resolution, and give it the form of a simple resolution; and on that moved the previous question.

Mr. ADAMS desired to make a few observations, and Mr. HOPKINS withdrew the motion for the previous question to enable him to do so. He was then understood to speak in opposition to the resolution, but in so low a tone of voice as to be almost inaudible at the reporter's desk.

No appropriation could be made otherwise than by an act of Congress. It could not be done by joint resolution. He looked upon this proposition as one of a most extraordinary character; and one which, if adopted, would establish an alarming precedent.

Mr. HOPKINS modified the resolution so as to direct the Clerk of the House to examine the accounts, &c., and to pay one-half of the same out of the contingent fund, provided the half to be paid by the House would not exceed \$735.

Mr. J. R. INGERSOLL called the attention of the House to a precedent, which he said was directly in point, where certain foreigners were buried at the expense of the Government, and not only were their funeral expenses paid, but pensions were given to their widows and children.

The previous question was seconded, and the main question ordered now to be put, viz., "On agreeing to the resolution as modified."

The yeas and nays were demanded by Messrs. O. JOHNSON and DRUMGOOLE.

They were ordered, and being taken, were—yeas 108, nays 62.

So the resolution was adopted.

SATURDAY, June 15.

*Amendment of the Constitution.*

Mr. BENTON asked the leave for which he had given notice on Wednesday, to bring in a joint resolution for the amendment of the Constitution of the United States in relation to the election of President and Vice President, and prefaced his motion with an exposition of the principle and details of the amendment which he proposed to offer. This exposition, referring to a speech which he had made in the year 1824, and reproducing it for the present occasion, can only be analyzed in this brief notice.

Mr. B. said he found himself in a position to commence most of his speeches with "*twenty years ago!*"—a commencement rather equivocal, and liable to different interpretations in the minds of different persons; for while he might suppose himself to be displaying sagacity and foresight in finding a medicine for the cure of the present disorders of the state, in the remedies of prevention which he had proposed long since, yet others might understand him in a different character, and consider him as belonging to the category of those who, in that long time, had learnt nothing, and had forgot nothing. So it might be now; for he was endeavoring to revive a proposition which he had made exactly twenty years before, and for the revival of which he deemed the present time eminently propitious. The body politic was now sick; and the patient, in his agony, might take the medicine as a cure, which he refused, when well, to take as a prevention.

Mr. B. then proceeded to state the object and principle of his amendment, which was, to dispense with all intermediate bodies in the election of President and Vice President, and to keep the election wholly in the hands of the people; and to do this by giving them a direct vote for the man of their choice, and holding a second election between the two highest, in the event of a failure in the first election to give a majority to any one. This was to do away with the machinery of all intermediate bodies to guide, control, or defeat the popular choice; whether a Congress caucus, or a national convention to dictate the selection of candidates; or a body of electors to receive and deliver their votes; or a House of Representatives to sanction or frustrate their choice.

Mr. B. spoke warmly and decidedly in favor of the principle of his proposition, assuming it as a fundamental truth to which there was no exception, *that liberty would be ruined by providing any kind of substitute for popular election!* asserting that all elections would degenerate into fraud and violence, if any intermediate body was established between the voters and the object of their choice, and placed in a condition to be able to control, betray, or defeat that choice. This fundamental truth he supported upon arguments, drawn

from the philosophy of government, and the nature of man, and illustrated by examples taken from the history of all elective Governments which had ever existed. He showed that it was the law of the few to disregard the will of the many, when they got power into their hands; and that liberty had been destroyed wherever intermediate bodies obtained the direction of the popular will. He quoted a vast number of Governments, both ancient and modern, as illustrations of this truth; and referred to the period of direct voting in Greece and in Rome as the grand and glorious periods of popular government, when the unfettered will of the people annually brought forward the men of their own choice to administer their own affairs, and when those people went on advancing from year to year, and produced every thing great in arts and in arms—in public and in private life—which then exalted them to the skies, and still makes them fixed stars in the firmament of nations. He believed in the capacity of the people for self-government, but they must have fair play—fair play at the elections, on which all depended; and for that purpose should be free from the control of any intermediate, irresponsible body of men.

At present, (he said,) the will of the people was liable to be frustrated in the election of their chief officers, (and that at no less than three different stages, of the canvass,) by the intervention of small bodies of men between themselves and the object of their choice. First, at the beginning of the process, in the nomination or selection of candidates. A Congress caucus formerly, and a national now, govern and control that nomination; and never fail, when they choose, to find pretexts for substituting their own will for that of the people. Then a body of electors, to receive and hold the electoral votes, and who, it cannot be doubted, will soon be expert enough to find reasons for a similar substitution. Then the House of Representatives may come in at the conclusion, to do as they have done heretofore, and set the will of the people at absolute defiance. The remedy for all this is the direct vote, and a second election between the two highest, if the first one failed. This would operate fairly and rightfully. No matter how many candidates then appeared in the field. If any one obtained a majority of the whole number of votes, the popular principle was satisfied; the majority had prevailed, and acquiescence was the part of the minority. If no one obtained the majority, then the first election answered the purpose of a nomination—a real nomination by the people; and a second election between the two highest would give effect to the real will of the people.

Mr. B. then exposed the details of his proposed amendment, as contained in the joint resolution which he intended to offer. The plan of election contained in that resolution, was the work of eminent men—of Mr. Macon,

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Amendment of the Constitution.

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Mr. Van Buren, Mr. Hugh L. White, Mr. Findlay, of Pennsylvania, Mr. Dickerson, of New Jersey, Mr. Holmes, Mr. Hayne, and Mr. R. M. Johnson, and was received with great favor by the Senate and the country at the time it was reported. Subsequent experience should make it still more acceptable, and entitle its details to a careful and indulgent consideration from the people whose rights and welfare it is intended to preserve and promote.

The detail of the plan is to divide the States into districts; the people to vote direct in each district for the candidate they prefer; the candidate having the highest vote for President to receive the vote of the district for such office, and to count one. If any candidate receives the majority of the whole number of districts, such person to be elected; if no one receives such majority, the election to be held over again between the two highest. To afford time for these double elections, when they become necessary, the first one is proposed to be held in the month of August—at a time to which many of the State elections now conform, and to which all may be made to conform—and to be held on the same days throughout the whole Union. To receive the returns of such elections, the Congress is required to be in session, on the years of such elections, in the month of October; and if a second election becomes necessary, it will be held in December. Two days are proposed for the first election, because most of the State elections continue two days: one day alone is allowed for the second election, it being a brief issue between two candidates. To provide for the possibility of remote and most improbable contingencies, that of an equality of votes between the two candidates—a thing which *cannot* occur where the whole number of votes is odd, and is utterly improbable when they are even—and to keep the election from the House of Representatives, while preserving the principle which should prevail in elections by the House of Representatives, it is provided that the candidate, in the case of such equality, having the majority of votes in the majority of the States, shall be the person elected President. To provide against the possibility of another almost impossible contingency, (that of more than two candidates having the highest, and, of course, the same number of votes in the first election, by an equality of votes between several,) the proposed amendment is so worded as to let all—that is, all having the two highest number of votes—go before the people at the second election.

Such are the details for the election of President: they are the same for that of Vice President, with the single exception that, when the first election should have been effective for the election of President, and not so for Vice President, then, to save the trouble of a second election for the secondary office only, the pre-

ent provision of the constitution should prevail, and the Senate choose between the two highest.

Having made this exposition of the *principle* and of the *details* of the plan he proposed, Mr. B. went on to speak at large in favor of its efficacy and practicability in preserving the rights of the people, maintaining the purity of elections, preventing intrigue, fraud, and treachery, either in guiding or defeating the choice of the people; and securing to our free institutions a chance for a prolonged and virtuous existence.

Mr. B. said he had never attended a nominating caucus or convention, and never intended to attend one. He had seen the last Congress caucus in 1824, and never wished to see another, or hear of another; he had seen the national convention of 1844, and never wished to see another. He should support the nominations of the last convention; but hoped to see such conventions rendered unnecessary, before the recurrence of another presidential election.

Mr. B., after an extended argument, concluded with an appeal to the Senate to favor his proposition, and send it to the country. His only object at present was to lay it before the country: the session was too far advanced to expect action upon it. There were two modes to amend the constitution—one by Congress proposing, and two-thirds of the State legislatures adopting the amendment; the other by a national convention called by Congress for the purpose. Mr. B. began with the first mode: he might end with the second.

Disclaiming every thing temporary or invidious in this attempt to amend the constitution in an important point—referring to his labors twenty years ago for the elucidation of his motives—despising all pursuit after office, high or low—detesting all circumvention, intrigue, and management—anxious to restore our elections to their pristine purity and dignity—and believing the whole body of the people to be the only safe and pure authority for the selection as well as election of the first officers of the republic,—he confidently submitted his proposition to the Senate and the people, and asked for it the indulgent consideration which was due to the gravity and the magnitude of the subject.

Mr. B. then offered his amendment, which was unanimously received, and ordered to be printed.

The following is the copy of this important proposition:

*“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid to all intents and purposes as part of the constitution:*

"That, hereafter, the President and Vice President of the United States shall be chosen by the people of the respective States, in the manner following: Each State shall be divided, by the legislature thereof, into districts, equal in number to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain as nearly as may be, an equal number of persons, entitled to be represented under the constitution, and to be laid off, for the first time, immediately after the ratification of this amendment, and afterwards, at the session of the legislature next ensuing the apportionment of representatives by the Congress of the United States; that on the first Thursday in August, in the year 1848, and on the same day every fourth year thereafter, the citizens of each State who possess the qualifications requisite for electors of the most numerous branch of the State legislatures, shall meet within their respective districts, and vote for a President and Vice President of the United States, one of whom at least shall not be an inhabitant of the same State with themselves; and the person receiving the greatest number of votes for President, and the one receiving the greatest number of votes for Vice President in each district, shall be holden to have received one vote: which fact shall be immediately certified by the governor of the State, to each of the Senators in Congress from such State, and to the President of the Senate and the Speaker of the House of Representatives. The Congress of the United States shall be in session on the second Monday in October, in the year 1848, and on the same day on every fourth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President, shall be President, if such number be equal to a majority of the whole number of votes given; but if no person have such a majority, then a second election shall be held on the first Thursday in the month of December then next ensuing, between the persons having the two highest numbers for the office of President; which second election shall be conducted, the result certified, and the votes counted, in the same manner as in the first; and the person having the greatest number of votes for President, shall be President. But, if two or more persons shall have received the greatest, and an equal number of votes, at the second election, then the person who shall have received the greatest number of votes in the greatest number of States, shall be President. The person having the greatest number of votes for Vice President, at the first election, shall be Vice President, if such number be equal to a majority of the whole number of votes given; but if no person have such majority, then a second election shall take place between the persons having the two highest numbers on the same day that the second election is held for President; and the person having the highest number of votes for Vice President, shall be Vice President. But if there should happen to be an equality of votes between the persons so voted for at the second election, then the person having the greatest number of votes in the greatest number of States, shall be Vice President. But when a second election shall be necessary in the

case of Vice President, and not necessary in the case of President, then the Senate shall choose a Vice President from the persons having the two highest numbers in the first election, as is now prescribed in the constitution."

#### *Annexation of Texas.*

Mr. McDUFFIE now rose, and moved to take up the Senate bill (191) providing for the annexation of Texas to the United States; upon which he desired to be heard in answer to the Senator from Missouri, (Mr. BENTON.)

Mr. BARROW remarked that he had given notice yesterday that he was not a party to the implied contract that any more of the time of the Senate should be wasted this session on a subject already disposed of. He had no feeling of discourtesy towards the Senator from South Carolina; but foreseeing that further debate would destroy all prospect of getting through the real business awaiting the action of Congress on the eve of adjournment, while he would not deny the Senator entitled to the floor the hour promised him, he would oppose any prolongation of the discussion.

The bill was taken up—ayes 21, noes not counted; and, at Mr. McDUFFIE's request, it was read through.

Mr. McDUFFIE then addressed the Senate for an hour in defence of the conduct of the President and Secretary of State in relation to the treaty for the annexation of Texas to the United States.

Mr. BENTON addressed the Senate for an hour in reply to the Senator from South Carolina.

MONDAY, JUNE 17.

#### *Adjournment.*

The time determined upon for the close of the session of Congress having nearly arrived, and Mr. BAYARD being in the chair, Mr. WOODBURY submitted the following resolution, which was considered by unanimous consent:

"Resolved unanimously, That the thanks of the Senate be presented to the Hon. WILLIAM P. MANGUM, for the ability and impartiality with which he has discharged the duties of President *pro tempore* of the Senate."

The resolution was passed without a dissenting voice, and after an interval occupied in the transaction of business.

Mr. MANGUM, the President *pro tempore*, resumed the chair, and, being informed of the adoption of the resolution in his absence, he rose and made the following brief address:

SENATORS: The moment of separation for this session having arrived, you will indulge me in occupying a part of this moment in giving expression to the feelings of sensibility and of gratitude with which the vote just passed in my regard has so deeply impressed me. The uniform spirit of kindness and courtesy which has ever been a distinguishing characteristic of the Senate of the United

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Adjournment.

[June, 1844.]

States, has not failed to impart to the individual who has had the honor to preside over its deliberations, a feeling of confidence that his acts would be viewed with kindness and forbearance. This anticipation has not only been realized through the tedious and sometimes laborious duties of legislation, but there is now superadded, by so generous an expression of satisfaction, an evidence of friendly feeling which shall be treasured in memory in all future time. In turn, I may be permitted to say, that I feel deeply sensible that the success which may have attended my endeavors to perform the responsible duties of presiding officer with impartiality, must be attributed to that courtesy which belongs peculiarly to this body, and to that dignity of decorum which has elevated its character in the rank of legislative assemblies of the world.

Differing as many of the members of this body do in political opinion, there is to be seen no interruption of that personal courtesy and friendly intercourse which men of high and honorable feeling may entertain for each other; and the knowledge of this feeling would forbid any other course by the presiding officer than that of the strictest impartiality in his administration of the duties of the chair. In the desire to have pursued such a course, a consciousness has been felt that honor, and duty, and justice have required it at my hands. It is true that the duties are frequently arduous, and at all times of a responsible and delicate character; and although entirely unconscious of having, at any time, done any act calculated to affect the rights or the feelings of any individual of the body, still the frailty of human nature is such as to dictate the propriety of throwing myself on the indulgence of the Senate, rather than lay claim to an exemption from such frailty. However this may be, I cannot disguise the satisfaction I feel in appealing to that silent monitor within, which bears witness to a determined purpose to do exact justice to all, as far as practicable; and,

while yielding to every individual a full measure of latitude and freedom of action, to maintain what must be considered, in every well-regulated legislative assembly, the indispensable powers and prerogatives of the Chair, granted, in fact, by the body itself, for the preservation of its own honor and dignity.

Senators, permit me to reiterate the feelings of gratitude I entertain for the unanimous expression of your approval of my course, enhanced in value as it is by having been thrice repeated; and towards each member, permit me to avail myself of the occasion to say that I entertain no other feelings than those of respect and kindness, and beg leave to express my most earnest wish for the continued health and happiness of every one of you; and that on the return of each member to his home, he will have the pleasure to find all there in the enjoyment of health and happiness, and that it may long continue.

In the performance of my official duty, I am now to pronounce the word of separation for this session, by adjourning the Senate *sine die*.

#### HOUSE OF REPRESENTATIVES.

MONDAY, JUNE 17.

*Adjournment.*

Mr. SCHENCK called for the action of the House on a joint resolution from the Senate to extend the hour of adjournment to two o'clock.

The yeas and nays were called for and ordered; and while they were being taken, the clock announced the arrival of the hour of 12.

The SPEAKER arrested the call of the yeas and nays, and announced that the hour fixed by resolution for the adjournment of Congress had arrived, and then (amidst numerous cries of "points of order") he proclaimed that this House stands adjourned *sine die*.

## TWENTY-EIGHTH CONGRESS.—SECOND SESSION.

### PROCEEDINGS AND DEBATES

IN THE

## SENATE AND HOUSE OF REPRESENTATIVES.

### IN SENATE.

MONDAY, December 2, 1844.

The second session of the 28th Congress convened to-day, in conformity to the Constitution of the United States. At the hour of 12 o'clock M., the Senate was called to order by Mr. MANGUM, the President *pro tem*.

On motion by Mr. HUNTINGTON, it was

*Ordered*, That the Secretary of the Senate inform the House of Representatives that a quorum of the Senate are assembled, and ready to proceed to business.

A message was received from the House by Mr. McNulty, their clerk, informing the Senate that a quorum of that body had assembled, and were ready to proceed to business.

On motion by Mr. WOODBURY, it was

*Ordered*, That a committee of two be appointed by the President *pro tem.*, to join such committee as might be appointed by the House, to wait on the President of the United States, and inform him that a quorum of the two Houses had assembled, and were ready to receive any communication he might be pleased to make to them.

The Chair appointed Messrs. WOODBURY and JOHNSON the committee on the part of the Senate.

A message was subsequently received from the House, informing the Senate that that body had passed a similar resolution, and had appointed Messrs. O. JOHNSON and JOSEPH R. INGERSOLL a committee on their part to join the committee of the Senate.

On motion by Mr. EVANS, the Senate then adjourned till to-morrow, 12 o'clock.

### HOUSE OF REPRESENTATIVES.

MONDAY, December 2.

At 12 o'clock the House was called to order by the Speaker; and the roll being called, a quorum appeared.

The following members, elected to supply vacancies, were introduced, and, being qualified, they took their seats:

The Hon. BENJAMIN WHITE, from the State of Maine; the Hon. LEVY D. CARPENTER, from the State of New York; the Hon. GEORGE FULLER, from the State of Pennsylvania; the Hon. EDWARD S. HAMLIN, from the State of Ohio; the Hon. ALFRED P. STONE, from the State of Ohio; the Hon. WILLIAM L. YANOR, from the State of Alabama; and the Hon. ISAAC E. MORSE, from the State of Louisiana.

On the motion of Mr. HOPKINS, the usual communication was sent to the Senate, announcing to that body that a quorum of this House was in attendance and ready to proceed with its business.

Mr. OAVE JOHNSON moved the usual resolution for the appointment of a committee to join the committee appointed by the Senate to wait upon the President of the United States, and inform him that the two Houses of Congress were organized, and ready to receive from him any communication he might have to offer.

The resolution was adopted, and Messrs. OAVE JOHNSON and J. R. INGERSOLL were appointed the committee on the part of this House.

### IN SENATE.

TUESDAY, December 3.

### *The President's Message.*

A Message in writing was received from the President of the United States, by the hand of his secretary, John Tyler, jr., and read to the Senate as follows, viz:

*To the Senate and House of Representatives of the United States:*

We have continued cause for expressing our gratitude to the Supreme Ruler of the Universe for the benefits and blessings which our country,



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*The President's Message.*

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under his kind providence, has enjoyed during the past year. Notwithstanding the exciting scenes through which we have passed, nothing has occurred to disturb the general peace, or to derange the harmony of our political system. The great moral spectacle has been exhibited of a nation, approximating in numbers to 20,000,000 of people, having performed the high and important function of electing their Chief Magistrate for the term of four years, without the commission of any acts of violence, or the manifestation of a spirit of insubordination to the laws. The great and inestimable right of suffrage has been exercised by all who were invested with it under the laws of the different States, in a spirit dictated alone by a desire, in the selection of the agent, to advance the interests of the country, and to place beyond jeopardy the institutions under which it is our happiness to live. That the deepest interest has been manifested by all our countrymen in the result of the election, is not less true than highly creditable to them. Vast multitudes have assembled, from time to time, at various places, for the purpose of canvassing the merits and pretensions of those who were presented for their suffrages, but no armed soldiery has been necessary to restrain within proper limits the popular zeal, or to prevent violent outbreaks. A principle much more controlling was found in the love of order and obedience to the laws, which, with mere individual exceptions, everywhere possesses the American mind, and controls with an influence far more powerful than hosts of armed men. We cannot dwell upon this picture without recognizing in it that deep and devoted attachment on the part of the people to the institutions under which we live, which proclaims their perpetuity. The great objection which has always prevailed against the election by the people, of their chief executive officer, has been the apprehension of tumults and disorders, which might involve in ruin the entire Government. A security against this is found not only in the fact before alluded to, but in the additional fact that we live under a confederacy embracing already, twenty-six States, no one of which has power to control the election. The popular vote in each State is taken at the time appointed by the laws; and such vote is announced by the electoral college, without reference to the decision of the other States. The right of suffrage, and the mode of conducting the election, are regulated by the laws of each State; and the election is distinctly federative in all its prominent features. Thus it is that, unlike what might be the results under a consolidated system, riotous proceedings, should they prevail, could only affect the elections in single States, without disturbing, to any dangerous extent, the tranquillity of others. The great experiment of a political confederacy—each member of which is supreme as to all matters appertaining to its local interests, and its internal peace and happiness, while, by a voluntary compact with others, it confides to the united power of all, the protection of its citizens in matters not domestic—has been so far crowned with complete success. The world has witnessed its rapid growth in wealth and population; and, under the guidance and direction of a superintending Providence, the developments of the past may be regarded but as the shadowing forth of the mighty future. In the bright prospects of that future, we shall find, as patriots and philanthropists, the highest inducements to cultivate and

cherish a love of union, and to frown down every measure or effort which may be made to alienate the States, or the people of the States, in sentiment and feeling, from each other. A rigid and close adherence to the terms of our political compact, and, above all, a sacred observance of the guarantees of the constitution, will preserve union on a foundation which cannot be shaken; while personal liberty is placed beyond hazard or jeopardy. The guarantee of religious freedom; of the freedom of the press; of the liberty of speech; of the trial by jury; of the *habeas corpus*, and of the domestic institutions of each of the States—leaving the private citizen in the full exercise of the high and ennobling attributes of his nature, and to each State the privilege, which can only be judiciously exerted by itself, of consulting the means best calculated to advance its own happiness;—these are the great and important guarantees of the constitution, which the lovers of liberty must cherish, and the advocates of union must ever cultivate. Preserving these, and avoiding all interpolations by forced construction, under the guise of an imagined expediency, upon the constitution, the influence of our political system is destined to be as actively and as beneficially felt on the distant shores of the Pacific, as it is now on those of the Atlantic Ocean. The only formidable impediments in the way of its successful expansion (time and space) are so far in the progress of modification, by the improvements of the age, as to render no longer speculative the ability of representatives from that remote region to come up to the Capitol, so that their constituents shall participate in all the benefits of federal legislation. Thus it is, that in the progress of time, the inestimable principles of civil liberty will be enjoyed by millions yet unborn, and the great benefits of our system of government be extended to now distant and uninhabited regions. In view of the vast wilderness yet to be reclaimed, we may well invite the lover of freedom, of every land, to take up his abode among us, and assist us in the great work of advancing the standard of civilization, and giving a wider spread to the arts and refinements of cultivated life. Our prayers should evermore be offered up to the Father of the Universe for his wisdom to direct us in the path of our duty, so as to enable us to consummate these high purposes.

One of the strongest objections which has been urged against confederacies, by writers on Government, is the liability of members to be tampered with by foreign Governments, or the people of foreign States, either in their local affairs, or in such as affected the peace of others, or endangered the safety of the whole confederacy. We cannot hope to be entirely exempt from such attempts on our peace and safety. The United States are becoming too important in population and resources not to attract the observation of other nations. It therefore may, in the progress of time, occur that opinions entirely abstract in the States in which they may prevail, and in no degree affecting their domestic institutions, may be artfully, but secretly, encouraged, with a view to undermine the Union. Such opinions may become the foundation of political parties, until at last the conflict of opinion producing an alienation of friendly feeling among the people of the different States, may involve in one general destruction the happy institutions under which we live. It should ever be borne in mind, that what is true in regard to individuals, is equally

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so in regard to States. An interference of one in the affairs of another is the fruitful source of family dissensions and neighborhood disputes; and the same cause affects the peace, happiness, and prosperity of States. It may be most devoutly hoped that the good sense of the American people will ever be ready to repel all such attempts, should they ever be made.

There has been no material change in our foreign relations since my last annual message to Congress. With all the powers of Europe we continue on the most friendly terms. Indeed, it affords me much satisfaction to state, that at no former period has the peace of that enlightened and important quarter of the globe ever been, apparently, more firmly established. The conviction that peace is the true policy of nations, would seem to be growing and becoming deeper amongst the enlightened everywhere; and there is no people who have a stronger interest in cherishing the sentiment, and adopting the means of preserving and giving it permanence, than those of the United States. Amongst these, the first and most effective are, no doubt, the strict observance of justice, and the honest and punctual fulfilment of all engagements. But it is not to be forgotten that, in the present state of the world, it is no less necessary to be ready to enforce their observance and fulfilment, in reference to ourselves, than to observe and fulfil them, on our part, in regard to others.

Since the close of your last session, a negotiation has been formally entered upon between the Secretary of State and her Britannic Majesty's minister plenipotentiary and envoy extraordinary, residing at Washington, relative to the rights of their respective nations in and over the Oregon territory. That negotiation is still pending. Should it, during your session, be brought to a definite conclusion, the result will be promptly communicated to Congress. I would, however, again call your attention to the recommendations contained in previous messages, designed to protect and facilitate emigration to that Territory. The establishment of military posts at suitable points upon the extended line of land travel, would enable our citizens to migrate in comparative safety to the fertile regions below the falls of the Columbia, and make the provision of the existing convention for the joint occupation of the Territory by subjects of Great Britain and the citizens of the United States, more available than heretofore to the latter. These posts would constitute places of rest for the weary emigrant, where he would be sheltered securely against the danger of attack from the Indians, and be enabled to recover from the exhaustion of a long line of travel. Legislative enactments should also be made which should spread over him the ægis of our laws, so as to afford protection to his person and property when he shall have reached his distant home. In this latter respect, the British Government has been much more careful of the interests of such of her people as are to be found in that country than have the United States. She has made necessary provision for their security and protection against the acts of the viciously disposed and lawless; and her emigrant reposes in safety under the panoply of her laws. Whatever may be the result of the pending negotiation, such measures are necessary. It will afford me the greatest pleasure to witness a happy and favorable termination to the existing negotiation, upon terms compatible with the public

honor; and the best efforts of the Government will continue to be directed to this end.

It would have given me the highest gratification, in this, my last annual communication to Congress, to have been able to announce to you the complete and entire settlement and adjustment of other matters in difference between the United States and the Government of her Britannic Majesty, which were adverted to in a previous message. It is so obviously the interest of both countries, in respect to the large and valuable commerce which exists between them, that all causes of complaint, however inconsiderable, should be, with the greatest promptitude, removed, that it must be regarded as cause of regret that any unnecessary delays should be permitted to intervene. It is true that, in a pecuniary point of view, the matters alluded to are altogether insignificant in amount when compared with the ample resources of that great nation; but they nevertheless (more particularly that limited class which arise under seizures and detentions of American ships on the coast of Africa, upon the mistaken supposition indulged in at the time the wrong was committed, of their being engaged in the slave trade) deeply affect the sensibilities of this Government and people. Great Britain having recognized her responsibility to repair all such wrongs, by her action in other cases, leaves nothing to be regretted upon this subject as to all cases prior to the treaty of Washington, than the delay in making suitable reparation in such of them as fall plainly within the principle of others which she has long since adjusted. The injury inflicted by delays in the settlement of these claims falls with severity upon the individual claimants, and makes a strong appeal to her magnanimity and sense of justice for a speedy settlement. Other matters, arising out of the construction of existing treaties, also remain unadjusted, and will continue to be urged upon her attention.

The labors of the joint committee appointed by the two Governments to run the dividing line, established by the treaty of Washington, were, unfortunately, much delayed in the commencement of the season, by the failure of Congress, at the last session, to make a timely appropriation of funds to meet the expenses of the American party, and by other causes. The United States commissioner, however, expresses his expectation that, by increased diligence and energy, the party will be able to make up for lost time.

We continue to receive assurances of the most friendly feelings on the part of all the other European powers; with each and all of whom it is so obviously our interest to cultivate the most amicable relations. Nor can I anticipate the occurrence of any event which would be likely, in any degree, to disturb those relations. Russia, the great northern power, under the judicious sway of her Emperor, is constantly advancing in the road of science and improvement; while France, guided by the counsels of her wise sovereign, pursues a course calculated to consolidate the general peace. Spain has obtained a breathing spell of some duration from the internal convulsions which have, through so many years, marred her prosperity; while Austria, the Netherlands, Prussia, Belgium, and the other powers of Europe, reap a rich harvest of blessings from the prevailing peace.

I informed the two Houses of Congress in my message of December last, that instructions had

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been given to Mr. Wheaton, our minister at Berlin, to negotiate a treaty with the Germanic States composing the Zoll Verein, if it could be done—stipulating, as far as it was practicable to accomplish it, for a reduction of the heavy and onerous duties levied on our tobacco, and other leading articles of agricultural production; and yielding, in return, on our part, a reduction of duties on such articles, the production of their industry, as should not come into competition, or but a limited one, with articles the product of our manufacturing industry. The Executive, in giving such instructions, considered itself as acting in strict conformity with the wishes of Congress, as made known through several measures which it had adopted, all directed to the accomplishment of this important result. The treaty was, therefore, negotiated, by which essential reductions were secured in the duties levied by the Zoll Verein, on tobacco, rice, and lard, accompanied by a stipulation for the admission of raw cotton free of duty. In exchange for which highly important concessions, a reduction of duties, imposed by the laws of the United States on a variety of articles, most of which were admitted free of all duty under the act of Congress commonly known as the compromise law, and but few of which were produced in the United States, was stipulated for on our part. This treaty was communicated to the Senate at an early day of its last session, but not acted upon until near its close; when, for the want, as I am bound to presume, of full time to consider it, it was laid upon the table. This procedure had the effect of virtually rejecting it, in consequence of a stipulation contained in the treaty, that its ratifications should be exchanged on or before a day which has already passed. The Executive, acting upon the fair inference that the Senate did not intend its absolute rejection, gave instructions to our minister at Berlin to reopen the negotiation, so far as to obtain an extension of time for the exchange of ratifications. I regret, however, to say that his efforts in this respect have been unsuccessful. I am, nevertheless, not without hope that the great advantages which were intended to be secured by the treaty may yet be realized.

I am happy to inform you that Belgium has, by an "arrête royale," issued in July last, assimilated the flag of the United States to her own, so far as the direct trade between the two countries is concerned. This measure will prove of great service to our shipping interest, the trade having heretofore been carried on chiefly in foreign bottoms. I flatter myself that she will speedily resort to a modification of her system relating to the tobacco trade, which would decidedly benefit the agriculture of the United States, and operate to the mutual advantage of both countries.

No definitive intelligence has yet been received from our minister of the conclusion of a treaty with the Chinese Empire; but enough is known to induce the strongest hopes that the mission will be crowned with success.

With Brazil our relations continue on the most friendly footing. The commercial intercourse between that growing empire and the United States is becoming daily of greater importance to both; and it is the interest of both that the firmest relations of amity and good will should continue to be cultivated between them.

The republic of New Grenada still withholds,

notwithstanding the most persevering efforts have been employed by our chargé d'affaires, Mr. Blackford, to produce a different result, indemnity in the case of the brig "Morris." And the Congress of Venezuela, although an arrangement has been effected between our minister and the minister of foreign affairs of that Government, for the payment of \$18,000, in discharge of its liabilities in the same case, has altogether neglected to make provision for its payment. It is to be hoped that a sense of justice will soon induce a settlement of these claims.

Our late minister to Chili, Mr. Pendleton, has returned to the United States, without having effected an adjustment in the second claim of the Macedonian, which is delayed on grounds altogether frivolous and untenable. Mr. Pendleton's successor has been directed to urge the claim in the strongest terms; and, in the event of a failure to obtain a permanent adjustment, to report the fact to the Executive at as early a day as possible, so that the whole matter may be communicated to Congress.

At your last session, I submitted to the attention of Congress the convention with the Republic of Peru, of the 17th of March, 1841, providing for the adjustment of the claims of citizens of the United States against that republic; but no definitive action was taken upon the subject. I again invite to your attention and prompt action.

In my last annual message, I felt it to be my duty to make known to Congress, in terms both plain and emphatic, my opinion in regard to the war which has so long existed between Mexico and Texas; which, since the battle of San Jacinto, has consisted altogether of predatory incursions, attended by circumstances revolting to humanity. I repeat now, what I then said, that, after eight years of feeble and ineffectual efforts to recover Texas, it was time that the war should have ceased. The United States had a direct interest in the question. The contiguity of the two nations to our territory was but too well calculated to involve our peace. Unjust suspicions were engendered in the mind of one or the other of the belligerents against us; and, as a necessary consequence, American interests were made to suffer, and our peace became daily endangered. In addition to which, it must have been obvious to all, that the exhaustion produced by the war subjected both Mexico and Texas to the interference of other powers, which, without the interposition of this Government, might eventuate in the most serious injury to the United States. This Government, from time to time, exerted its friendly offices to bring about a termination of hostilities upon terms honorable alike to both the belligerents. Its efforts on this behalf proved unavailing. Mexico seemed almost without an object to persevere in the war, and no other alternative was left the Executive but to take advantage of the well-known dispositions of Texas, and to invite her to enter into a treaty for annexing her territory to that of the United States.

Since your last session, Mexico has threatened to renew the war, and has either made, or proposes to make, formidable preparations for invading Texas. She has issued decrees and proclamations, preparatory to the commencement of hostilities, full of threats revolting to humanity; and which, if carried into effect, would arouse the attention of all Christendom. This new demonstration of feeling, there is too much reason to believe, has been produced in consequence of the negotiation of the late

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treaty of annexation with Texas. The Executive, therefore, could not be indifferent to such proceedings; and it felt it to be due, as well to itself as to the honor of the country, that a strong representation should be made to the Mexican Government upon the subject. This was accordingly done, as will be seen by the copy of the accompanying despatch from the Secretary of State to the United States envoy at Mexico. Mexico has no right to jeopard the peace of the world, by urging any longer a useless and fruitless contest. Such a condition of things would not be tolerated on the European continent. Why should it be on this? A war of desolation, such as is now threatened by Mexico, cannot be waged without involving our peace and tranquillity. It is idle to believe that such a war could be looked upon with indifference by our own citizens inhabiting adjoining States; and our neutrality would be violated, in despite of all efforts on the part of the Government to prevent it. The country is settled by emigrants from the United States, under invitations held out to them by Spain and Mexico. Those emigrants have left behind them friends and relatives, who would not fail to sympathize with them in their difficulties, and who would be led by those sympathies to participate in their struggles, however energetic the action of the Government to prevent it. Nor would the numerous and formidable bands of Indians, the most warlike to be found in any land, which occupy the extensive regions contiguous to the States of Arkansas and Missouri, and who are in possession of large tracts of country within the limits of Texas, be likely to remain passive. The inclination of those numerous tribes leads them invariably to war whenever pretexts exist.

Mexico had no just grounds of displeasure against this Government or people for negotiating the treaty. What interest of hers was affected by the treaty? She was despoiled of nothing, since Texas was forever lost to her. The independence of Texas was recognized by several of the leading powers of the earth. She was free to treat—free to adopt her own line of policy—free to take the course which she believed was best calculated to secure her happiness. Her Government and people decided on annexation to the United States; and the Executive saw, in the acquisition of such a territory, the means of advancing their permanent happiness and glory. What principle of good faith, then, was violated? What rule of political morals trampled under foot? So far as Mexico herself was concerned, the measure should have been regarded by her as highly beneficial. Her inability to reconquer Texas had been exhibited, I repeat, by eight—now nine—years of fruitless and ruinous contest. In the mean time, Texas has been growing in population and resources. Emigration has flowed into her territory, from all parts of the world, in a current which continues to increase in strength. Mexico requires a permanent boundary between that young republic and herself. Texas, at no distant day, if she continues separate and detached from the United States, will inevitably seek to consolidate her strength by adding to her domain the contiguous provinces of Mexico. The spirit of revolt from the control of the central Government has, heretofore, manifested itself in some of those provinces; and it is fair to infer that they would be inclined to take the first favorable opportunity to proclaim their independence, and to form close alliances with Texas. The war would thus be endless; or,

If cessations of hostilities should occur, they would only endure for a season. The interests of Mexico, therefore, could in nothing be better consulted than in a peace with her neighbors, which would result in the establishment of a permanent boundary. Upon the ratification of the treaty, the Executive was prepared to treat with her on the most liberal basis. Hence the boundaries of Texas were left undefined by the treaty. The Executive proposed to settle these upon terms that all the world should have pronounced just and reasonable. No negotiation upon that point could have been undertaken between the United States and Mexico in advance of the ratification of the treaty. We should have had no right, no power, no authority, to have conducted such a negotiation; and to have undertaken it, would have been an assumption equally revolting to the pride of Mexico and Texas, and subjecting us to the charge of arrogance: while, to have proposed, in advance of annexation, to satisfy Mexico for any contingent interest she might have in Texas, would have been to have treated Texas, not as an independent power, but as a mere dependency of Mexico. This assumption could not have been acted on by the Executive without setting at defiance your own solemn declaration that that republic was an independent State. Mexico had, it is true, threatened war against the United States, in the event the treaty of annexation was ratified. The Executive could not permit itself to be influenced by this threat. It represented in this the spirit of our people, who are ready to sacrifice much for peace, but nothing to intimidation. A war, under any circumstances, is greatly to be deplored, and the United States is the last nation to desire it; but if, as the condition of peace, it be required of us to forego the unquestionable right of treating with an independent power, of our own continent, upon matters highly interesting to both, and that upon a naked and unsustained pretension of claim by a third power, to control the free will of the power with whom we treat—devoted as we may be to peace, and anxious to cultivate friendly relations with the whole world, the Executive does not hesitate to say that the people of the United States would be ready to brave all consequences, sooner than submit to such condition. But no apprehension of war was entertained by the Executive; and I must express frankly the opinion that, had the treaty been ratified by the Senate, it would have been followed by a prompt settlement, to the entire satisfaction of Mexico, of every matter in difference between the two countries. Seeing, then, that new preparations for hostile invasion of Texas were about to be adopted by Mexico, and that these were brought about because Texas has adopted the suggestions of the Executive upon the subject of annexation, it could not passively have folded its arms and permitted a war, threatened to be accompanied by every act that could mark a barbarous age, to be waged against her because she had done so.

Other considerations of a controlling character influenced the course of the Executive. The treaty which had thus been negotiated, had failed to receive the ratification of the Senate. One of the chief objections which were urged against it, was found to consist in the fact that the question of annexation had not been submitted to the ordeal of public opinion in the United States. However untenable such an objection was esteemed to be,

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in view of the unquestionable power of the Executive to negotiate the treaty, and the great and lasting interests involved in the question, I felt it to be my duty to submit the whole subject to Congress as the best expounders of popular sentiment. No definitive action having been taken on the subject by Congress, the question referred itself directly to the decision of the States and the people. The great popular election which has just terminated, afforded the best opportunity of ascertaining the will of the States and people upon it. Pending that issue, it became the imperative duty of the Executive to inform Mexico that the question of annexation was still before the American people; and that, until their decision was pronounced, any serious invasion of Texas would be regarded as an attempt to forestall their judgment, and could not be looked upon with indifference. I am most happy to inform you that no such invasion has taken place, and I trust that, whatever your action may be upon it, Mexico will see the importance of deciding the matter by a resort to peaceful expedients, in preference to those of arms. The decision of the people and the States, on this great and interesting subject, has been decisively manifested. The question of annexation has been presented nakedly to their consideration. By the treaty itself, all collateral and incidental issues, which were calculated to divide and distract the public councils, were carefully avoided. These were left to the wisdom of the future to determine. It presented, I repeat, the isolated question of annexation; and, in that form, it has been submitted to the ordeal of public sentiment. A controlling majority of the people, and a large majority of the States, have declared in favor of immediate annexation. Instructions have thus come up to both branches of Congress, from their respective constituents, in terms the most emphatic. It is the will of both the people and the States that Texas shall be annexed to the Union promptly and immediately. It may be hoped that, in carrying into execution the public will, thus declared, all collateral issues may be avoided. Future legislatures can best decide as to the number of States which should be formed out of the territory, when the time has arrived for deciding that question. So with all others. By the treaty the United States assumed the payment of the debts of Texas, to an amount not exceeding \$10,000,000, to be paid, with the exception of a sum falling short of \$400,000, exclusively out of the proceeds of the sales of her public lands. We could not, with honor, take the lands, without assuming the full payment of all incumbrances upon them.

Nothing has occurred since your last session, to induce a doubt that the dispositions of Texas remain unaltered. No intimation of an altered determination on the part of her Government and people, has been furnished to the Executive. She still desires to throw herself under the protection of our laws, and to partake of the blessings of our federative system; while every American interest would seem to require it. The extension of our coastwise and foreign trade, to an amount almost incalculable—the enlargement of the market for our manufactures—a constantly growing market for our agricultural productions—safety to our frontiers, and additional strength and stability to the Union,—these are the results which would rapidly develop themselves upon the consummation of the measure of annex-

ation. In such event, I will not doubt but that Mexico would find her true interest to consist in meeting the advances of this Government in a spirit of amity.

Nor do I apprehend any serious complaint from any other quarter; no sufficient ground exists for such complaint. We should interfere in no respect with the rights of any other nation. There cannot be gathered from the act any design on our part to do so with their possessions on this continent. We have interposed no impediments in the way of such acquisitions of territory, large and extensive as many of them are, as the leading powers of Europe have made, from time to time, in every part of the world. We seek no conquest made by war. No intrigue will have been resorted to, or acts of diplomacy essayed, to accomplish the annexation of Texas. Free and independent herself, she asks to be received into our Union. It is a question for our own decision whether she shall be received or not.

The two Governments having already agreed, through their respective organs, on the terms of annexation, I would recommend their adoption by Congress in the form of a joint resolution, or act, to be perfected and made binding on the two countries, when adopted in like manner by the Government of Texas.

In order that the subject may be fully presented in all its bearings, the correspondence which has taken place in reference to it, since the adjournment of Congress, between the United States, Texas, and Mexico, is herewith transmitted.

The amendments proposed by the Senate to the convention concluded between the United States and Mexico on the 20th of November, 1843, have been transmitted through our minister, for the concurrence of the Mexican Government; but, although urged thereto, no action has yet been had on the subject; nor has any answer been given which would authorize a favorable conclusion in the future.

The decree of September, 1843, in relation to the retail trade, the order for the expulsion of foreigners, and that of a more recent date in regard to passports—all of which are considered as in violation of the treaty of amity and commerce between the two countries—have led to a correspondence of considerable length between the Minister for Foreign Relations and our Representative at Mexico, but without any satisfactory result. They remain still unadjusted; and many and serious inconveniences have already resulted to our citizens in consequence of them.

Questions growing out of the act of disarming a body of Texan troops under the command of Major Snively, by an officer in the service of the United States, acting under the orders of our Government; and the forcible entry into the custom-house at Bryarly's Landing, on Red River, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs, as forfeited under the laws of Texas, have been adjusted, so far as the powers of the Executive extend. The correspondence between the two Governments in reference to both subjects will be found among the accompanying documents. It contains a full statement of all the facts and circumstances, with the views taken on both sides, and the principles on which the questions have been adjusted. It remains for Congress to make the necessary appropriation

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to carry the arrangement into effect; which I respectfully recommend.

The greatly improved condition of the treasury affords a subject for general congratulation. The paralysis which had fallen on trade and commerce, and which subjected the Government to the necessity of resorting to loans, and the issue of treasury notes, to a large amount, has passed away; and, after the payment of upwards of \$7,000,000, on account of the interest, and in redemption of more than \$5,000,000 of the public debt, which falls due on the 1st of January next, and setting apart upwards of \$3,000,000 for the payment of outstanding treasury notes, and meeting an instalment of the debts of the corporate cities of the District of Columbia—an estimated surplus of upwards of \$7,000,000, over and above the existing appropriations, will remain in the treasury at the close of the fiscal year. Should the treasury notes continue outstanding, as heretofore, that surplus will be considerably augmented. Although all interest has ceased upon them, and the Government has invited their return to the treasury, yet they remain outstanding; affording great facilities to commerce, and establishing the fact that, under a well-regulated system of finance, the Government has resources within itself, which render it independent in time of need, not only of private loans, but also of bank facilities.

The only remaining subject of regret is, that the remaining stocks of the Government do not fall due at an earlier date; since their redemption would be entirely within its control. As it is, it may be well worthy the consideration of Congress, whether the law establishing the sinking fund—under the operation of which the debts of the revolution and last war with Great Britain were, to a great extent, extinguished—should not, with proper modifications, (so as to prevent an accumulation of surpluses, and limited in amount to a specific sum,) be re-enacted. Such provision, which would authorize the Government to go into the market for a purchase of its own stock, on fair terms, would serve to maintain its credit at the highest point, and prevent, to a great extent, those fluctuations in the price of its securities which might, under other circumstances, affect its credit. No apprehension of this sort is, at this moment, entertained; since the stocks of the Government, which but two years ago were offered for sale to capitalists, at home and abroad, at a depreciation, and could find no purchasers, are now greatly above par in the hands of the holders; but a wise and prudent forecast admonishes us to place beyond the reach of contingency the public credit.

It must also be a matter of unmingled gratification, that, under the existing financial system—resting upon the act of 1789, and the resolution of 1816,—the currency of the country has attained a state of perfect soundness; and the rates of exchange between different parts of the Union—which, in 1841, denoted, by their enormous amount, the great depreciation, and in fact worthlessness of the currency in most of the States—are now reduced to little more than the mere expense of transporting specie from place to place, and the risk incidental to the operation. In a new country like that of the United States—where so many inducements are held out for speculation—the depositories of the surplus revenue, consisting of banks of any description, when it reaches any considerable amount, require the closest vigilance on the part of the

Government. All banking institutions, under whatever denomination they may pass, are governed by an almost exclusive regard to the interest of the stockholders. That interest consists in the augmentation of profits, in the form of dividends; and a large surplus revenue entrusted to their custody is but too apt to lead to excessive loans and to extravagantly large issues of paper. As a necessary consequence, prices are nominally increased, and the speculative mania everywhere seizes upon the public mind. A fictitious state of prosperity for a season exists; and, in the language of the day, money becomes plenty. Contracts are entered into by individuals, resting on this unsubstantial state of things; but the delusion speedily passes away, and the country is overrun by an indebtedness so weighty as to overwhelm many, and to visit every department of industry with great and ruinous embarrassment. The greatest vigilance becomes necessary on the part of the Government to guard against this state of things. The depositories must be given distinctly to understand that the favors of the Government will be altogether withdrawn, or substantially diminished, if its revenues shall be regarded as additions to their banking capital, or as the foundation of an enlarged circulation. The Government through its revenue has, at all times, an important part to perform in connection with the currency; and it greatly depends upon its vigilance and care whether the country be involved in embarrassments similar to those which it has had recently to encounter; or, aided by the action of the treasury, shall be preserved in a sound and healthy condition.

The dangers to be guarded against are greatly augmented by too large a surplus of revenue. When that surplus greatly exceeds in amount what shall be required by a wise and prudent forecast to meet unforeseen contingencies, the legislature itself may come to be seized with a disposition to indulge in extravagant appropriations to objects, many of which may—and most probably would—be found to conflict with the constitution. A fancied expediency is elevated above constitutional authority; and a reckless and wasteful extravagance but too certainly follows. The important power of taxation, which, when exercised in its most restricted form, is a burden on labor and production, is resorted to, under various pretexts, for purposes having no affinity to the motives which dictated its grant, and the extravagance of Government stimulates individual extravagance, until the spirit of a wild and ill-regulated speculation involves one and all in its unfortunate results. In view of such fatal consequences, it may be laid down as an axiom, founded in moral and political truth, that no greater taxes should be imposed than are necessary for an economical administration of the Government; and that whatever exists beyond, should be reduced or modified. This doctrine does in no way conflict with the exercise of a sound discrimination in the selection of the articles to be taxed, which a due regard to the public weal would at all times suggest to the legislative mind. It leaves the range of selection undefined; and such selection should always be made with an eye to the great interests of the country. Composed as is the Union, of separate and independent States, a patriotic legislature will not fail, in consulting the interests of the parts, to adopt such course as will be best calculated to advance the harmony of the whole, and thus insure

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*The President's Message.*

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that permanency in the policy of the Government without which all efforts to advance the public prosperity are vain and fruitless. This great and vitally important task rests with Congress; and the Executive can do no more than recommend the general principles which should govern in its execution.

I refer you to the report of the Secretary of War, for an exhibition of the condition of the army; and recommend to you, as well worthy your best consideration, many of the suggestions it contains. The Secretary in no degree exaggerates the great importance of pressing forward, without delay, in the work of erecting and finishing the fortifications, to which he particularly alludes. Much has been done towards placing our cities and roadsteads in a state of security against the hazards of hostile attack, within the last four years; but considering the new elements which have been, of late years, employed in the propelling of ships, and the formidable implements of destruction which have been brought into service, we cannot be too active or vigilant in preparing and perfecting the means of defence. I refer you, also, to his report for a full statement of the condition of the Indian tribes within our jurisdiction. The Executive has abated no effort in carrying into effect the well-established policy of the Government, which contemplates a removal of all the tribes residing within the limits of the several States, beyond those limits; and it is now enabled to congratulate the country at the prospect of an early consummation of this object. Many of the tribes have already made great progress in the arts of civilized life; and through the operation of the schools established among them, aided by the efforts of the pious men of various religious denominations—who devote themselves to the task of their improvement—we may fondly hope that the remains of the formidable tribes which were once the masters of this country, will, in their transition from the savage state to a condition of refinement and cultivation, add another bright trophy to adorn the labors of a well-directed philanthropy.

The accompanying report of the Secretary of the Navy will explain to you the situation of that branch of the service. The present organization of the department imparts to its operations great efficiency; but I concur fully in the propriety of a division of the Bureau of Construction, Equipment, and Repairs into two bureaus. The subjects, as now arranged, are incongruous, and require, to a certain extent, information and qualifications altogether dissimilar.

The operations of the squadron on the coast of Africa have been conducted with all due attention to the object which led to its organization; and I am happy to say that the officers and crews have enjoyed the best possible health, under the system adopted by the officer in command. It is believed that the United States is the only nation which has, by its laws, subjected to the punishment of death, as pirates, those who may be engaged in the slave trade. A similar enactment on the part of other nations would not fail to be attended by beneficial results.

In consequence of the difficulties which have existed in the way of securing titles for the necessary grounds, operations have not yet been commenced towards the establishment of the navy yard at Memphis. So soon as the title is perfected, no further

delay will be permitted to intervene. It is well worthy of your consideration, whether Congress should not direct the establishment of a rope-walk, in connection with the contemplated navy yard, as a measure not only of economy, but as highly useful and necessary. The only establishment of the sort now connected with the service is located at Boston; and the advantages of a similar establishment, convenient to the hemp-growing region, must be apparent to all.

The report of the Secretary presents other matters to your consideration, of an important character in connection with the service.

In referring you to the accompanying report of the Postmaster General, it affords me continued cause of gratification to be able to advert to the fact that the affairs of the department, for the last four years, have been so conducted as, from its unaided resources, to meet its large expenditures. On my coming into office a debt of nearly \$500,000 existed against the department, which Congress discharged by an appropriation from the treasury. The department, on the 4th of March next, will be found, under the management of the present efficient head, free of debt or embarrassment, which could only have been done by the observance and practice of the greatest vigilance and economy. The laws have contemplated, throughout, that the department should be self-sustained; but it may become necessary, with the wisest regard to public interests, to introduce amendments and alterations in the system. There is a strong desire manifested in many quarters, so to alter the tariff of letter postage as to reduce the amount of tax at present imposed. Should such a measure be carried into effect, to the full extent desired, it cannot well be doubted but that, for the first years of its operation, a diminished revenue would be collected, the supply of which would necessarily constitute a charge upon the treasury. Whether such a result would be desirable, it will be for Congress, in its wisdom, to determine. It may in general be asserted, that radical alterations in any system should rather be brought about gradually, than by sudden changes; and by pursuing this prudent policy in the reduction of letter postage, the department might still sustain itself through the revenue which would accrue by the increase of letters. The state and condition of the public treasury have, heretofore, been such as to have precluded the recommendation of any material change. The difficulties upon this head have, however, ceased, and a large discretion is now left to the Government.

I cannot too strongly urge the policy of authorizing the establishment of a line of steamships regularly to ply between this country and foreign ports, and upon our own waters, for the transportation of the mail. The example of the British Government is well worthy of imitation in this respect. The belief is strongly entertained that the emoluments arising from the transportation of mail matter to foreign countries, would operate of itself as an inducement to cause individual enterprise to undertake that branch of the task; and the remuneration of the Government would consist in the addition readily made to our steam navy in case of emergency by the ships so employed. Should this suggestion meet your approval, the propriety of placing such ships under the command of experienced officers of the navy will not escape your observation. The application of steam to the run-



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pose of naval warfare cogently recommends an extensive steam marine as important in estimating the defences of the country. Fortunately, this may be attained by us to a great extent, without incurring any large amount of expenditure. Steam vessels to be engaged in the transportation of the mails on our principal watercourses, lakes, and parts of our coast, could also be so constructed as to be efficient as war vessels, when needed; and would, of themselves, constitute a formidable force, in order to repel attacks from abroad. We cannot be blind to the fact that other nations have already added large numbers of steamships to their naval armaments; and that this new and powerful agent is destined to revolutionize the condition of the world. It becomes the United States, therefore, looking to their security, to adopt a similar policy; and the plan suggested will enable them to do so at a small comparative cost.

I take the greatest pleasure in bearing testimony to the zeal and untiring industry which has characterized the conduct of the members of the Executive cabinet. Each in his appropriate sphere, has rendered me the most efficient aid in carrying on the government; and it will not, I trust, appear out of place for me to bear this public testimony. The cardinal objects which should ever be held in view by those intrusted with the administration of public affairs, are rigidly, and without favor or affection, so to interpret the national will, expressed in the laws, as that injustice should be done to none—justice to all. This has been the rule upon which they have acted; and thus it is believed that few cases, if any, exist, wherein our fellow-citizens, who, from time to time, have been drawn to the seat of Government for the settlement of their transactions with the Government, have gone away dissatisfied. Where the testimony has been perfected, and was deemed satisfactory, their claims have been promptly audited; and this in the absence of all favoritism or partiality. The Government which is not just to its own people, can neither claim their affection, nor the respect of the world. At the same time the closest attention has been paid to those matters which relate more immediately to the great concerns of the country. Order and efficiency in each branch of the public service have prevailed, accompanied by a system of the most rigid responsibility on the part of the receiving and disbursing agents. The fact, in illustration of the truth of this remark, deserves to be noticed, that the revenues of the Government, amounting, in the last four years, to upwards of \$120,000,000, have been collected and disbursed, through the numerous governmental agents, without the loss, by default, of any amount worthy of serious commentary.

The appropriations made by Congress for the improvement of the rivers of the West, and of the harbors on the lakes, are in a course of judicious expenditure under suitable agents; and are destined, it is to be hoped, to realize all the benefits designed to be accomplished by Congress. I cannot, however, sufficiently impress upon Congress the great importance of withholding appropriations from improvements which are not ascertained, by previous examination and survey, to be necessary for the shelter and protection of trade from the dangers of storms and tempests. Without this precaution, the expenditures are but too apt to enure to the benefit of individuals, without reference to

the only consideration which can render them constitutional—the public interests and the general good.

I cannot too earnestly urge upon you the interests of this District, over which, by the constitution, Congress has exclusive jurisdiction. It would be deeply to be regretted should there be, at any time, ground to complain of neglect on the part of a community which, detached as it is from the parental care of the States of Virginia and Maryland, can only expect aid from Congress, as its local legislature. Amongst the subjects which claim your attention, is the prompt organization of an asylum for the insane, who may be found, from time to time, sojourning within the District. Such course is also demanded by considerations which apply to branches of the public service. For the necessities in this behalf, I invite your particular attention to the report of the Secretary of the Navy.

I have thus, gentlemen of the two Houses of Congress, presented you a true and faithful picture of the condition of public affairs, both foreign and domestic. The wants of the public service are made known to you; and matters of no ordinary importance are urged upon your consideration. Shall I not be permitted to congratulate you on the happy auspices under which you have assembled, and on the important change in the condition of things which has occurred in the last three years? During that period, questions with foreign powers, of vital importance to the peace of our country, have been settled and adjusted. A desolating and wasting war with savage tribes has been brought to a close. The internal tranquillity of the country, threatened by agitating questions, has been preserved. The credit of the Government, which had experienced a temporary embarrassment, has been thoroughly restored. Its coffers, which, for a season, were empty, have been replenished. A currency, nearly uniform in its value, has taken the place of one depreciated and almost worthless. Commerce and manufactures, which had suffered in common with every other interest, have once more revived; and the whole country exhibits an aspect of prosperity and happiness. Trade and barter, no longer governed by a wild and speculative mania, rest upon a solid and substantial footing; and the rapid growth of our cities, in every direction, bespeaks most strongly the favorable circumstances by which we are surrounded. My happiness, in the retirement which shortly awaits me, is the ardent hope which I experience, that this state of prosperity is neither deceptive nor destined to be short-lived; and that measures which have not yet received its sanction, but which I cannot but regard as closely connected with the honor, the glory, and still more enlarged prosperity of the country, are destined, at an early day, to receive the approval of Congress. Under these circumstances, and with these anticipations, I shall most gladly leave to others, more able than myself, the noble and pleasing task of sustaining the public prosperity. I shall carry with me into retirement the gratifying reflection that, as my sole object throughout has been to advance the public good, I may not entirely have failed in accomplishing it; and this gratification is heightened in no small degree by the fact that when, under a deep and abiding sense of duty, I have found myself constrained to resort to the qualified veto, it has neither been followed by disapproval on the part of the people, nor weakened in any degree their attachment



To SEN.]

Oregon.

[DECEMBER, 1844.]

to that great conservative feature of our Government.

JOHN TYLER.

WASHINGTON, December, 1844.

On motion by Mr. EVANS, the Message was ordered to lie on the table, and the usual quantity to be printed.

WEDNESDAY, December 4.

*Election of Chaplain.*

On motion by Mr. HUNTINGTON, the Senate proceeded to the election of chaplain. The ballot being taken, and counted, resulted as follows:

Whole number of votes 27, of which  
Rev. Mr. Tuston received - - - 25

Rev. Mr. Tuston was therefore declared to be elected.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 4.

*Election of Chaplain.*

Mr. HOLMES moved that the House now proceed to the election of a chaplain, in conformity with the joint resolution of the two Houses in relation thereto.

The motion was agreed to, and the following nominations were made:

Mr. HALE nominated the Rev. Ed. E. Hale, of the Unitarian church.

Mr. JOSEPH A. WRIGHT nominated the Rev. W. N. Daily, Methodist.

Mr. PARMENTER nominated the Rev. Rodney A. Miller, Congregationalist.

Mr. NIS nominated the Rev. Dr. Muller, Lutheran.

Mr. FRENCH nominated the Rev. Thomas J. Fisher, Baptist.

Mr. J. R. INGERSOLL nominated the Rev. Thomas G. Allen, Episcopal.

Mr. HUBARD nominated the Rev. Isaac S. Thaley, Baptist.

The Speaker appointed Messrs. PARMENTER, HALE, and HENLEY, tellers, who took the vote *vice voce*.

After several ballottings, the Rev. Mr. Daily was elected.

IN SENATE.

MONDAY, December 9.

Mr. BRIDGE presented the credentials of the Hon. HENRY A. FOSTER, appointed by the governor of New York a Senator from that State to fill the vacancy occasioned by the resignation of the Hon. Silas Wright. Also the credentials of the Hon. DANIEL S. DICKINSON, appointed by the governor of New York a Senator from that State to fill the vacancy occasioned by the resignation of the Hon. Nathaniel P. Tallmadge.

The credentials having been read, the Senators were qualified.

WEDNESDAY, December 11.

*The Annexation of Texas.*

Mr. BENTON, agreeably to notice, introduced, on leave—

A BILL to provide for the annexation of Texas to the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is, authorized and advised to open negotiations with Mexico and Texas, for the adjustment of boundaries, and the annexation of the latter to the United States, on the following bases, to wit:

I. The boundary of the annexed territory to be in the desert prairie west of the Nueces, and along the highlands and mountain heights which divide the waters of the Mississippi from the waters of the Rio del Norte, and to latitude forty-two degrees north.

II. The people of Texas, by a legislative act, or by any authentic act which shows the will of the majority, to express their assent to said annexation.

III. A State to be called "*the State of Texas*," with boundaries fixed by herself, and an extent not exceeding that of the largest State in the Union, be admitted into the Union, by virtue of this act, on an equal footing with the original States.

IV. The remainder of the annexed territory to be held and disposed of by the United States as one of their territories, and to be called "*the South-west Territory*."

V. The existence of slavery to be forever prohibited in the northern and north-western part of said territory, west of the 100th degree of longitude west from Greenwich, so as to divide, as equally as may be, the whole of the annexed country between slaveholding and non-slaveholding States.

VI. The assent of Mexico to be obtained by treaty to such annexation and boundary, or to be dispensed with when the Congress of the United States may deem such assent to be unnecessary.

VII. Other details of the annexation to be adjusted by treaty, so far as the same may come within the scope of the treaty-making power.

Which, having been read twice, was, on the motion of Mr. ARCHER, referred to the Committee on Foreign Relations.

Oregon.

The following resolution, submitted yesterday by Mr. ALLEN, being the next business in order, was read:

*Resolved,* That the President be requested to lay before the Senate, if in his judgment that may be done without prejudice to the public interests, a copy of any instructions which may have been given by the Executive to the American minister in England, on the subject of the Territory of Oregon, since the correspondence which may have passed between this Government and that of Great Britain, or between either of the two Governments and the

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minister of the other, in relation to that subject, since that time.

Mr. AROHER remarked, that this resolution asked for papers, to be communicated only in the event that prejudice to the public service could not, in the judgment of the Executive, ensue. Since the resolution was offered yesterday, he (Mr. A.) had conferred with the head of the Department of State, and now had it in his power to say to the Senate, that it was the opinion of the Secretary of State that prejudice to the public service would be the result of making the communications thus called for. He (Mr. A.) hoped, therefore, he would have the concurrence of the Senator from Ohio in the suggestion he should make to let the resolution be laid on the table for the present. He invited this concurrence in a spirit of courtesy; but if the Senator should dissent, he should feel it his duty to call upon the Senate to reject the resolution.

Mr. ALLEN desired that this question should take its regular course. The resolution was addressed to the President of the United States, and not to the Secretary of State. It desired, on the part of the Senate, that a communication in relation to these important public documents should be made to that body, only in the event of the public interests not suffering by such communication. When this resolution should be presented to the President, it would be quite time to inform the Senate what was his decision as to making the correspondence public. The Senator from Virginia, (Mr. AROHER,) if he (Mr. ALLEN) understood him, said that he had had some informal communication with the head of the State Department, and that, from the intercourse which took place, he was enabled to say that it was the opinion of the Secretary of State that this correspondence could not be made public, without prejudice to the public interests.

It was his (Mr. ALLEN's) desire that the opinion in answer to this resolution should come from the Executive authority, in order that it might form a part of the archives of the country—that it might be an enduring opinion—and that it should be expressed under proper responsibility; and with that view, he had submitted the resolution in the ordinary form, and in the form which he should persist to observe upon this and all like occasions. Yesterday, when a resolution was submitted, calling upon the President of the United States for the correspondence between this Government and the Government of Mexico, upon a subject of far greater delicacy than that involving a mere question of geographical boundary line, and passed, among others, he voted for it, as he should always vote for such resolutions; and he saw no objection applying to the resolution now before the Senate, that would not apply with far greater force to that to which he had referred.

He would not, however, enter into those weighty considerations which had actuated him

in offering the resolution. He would only state that he knew of no mysteriousness which could attend the question to which the resolution relates. He knew of no form that the present negotiations could assume, or of any circumstance attending the negotiation, which should make it the duty of either Government to veil the transactions between them. But he should ask the yeas and nays.

Mr. AROHER observed that, when he submitted to the honorable Senator from Ohio the option whether he would consent to lay the resolution on the table, or submit it to the decision of the Senate, in full view of the opinion of the department to which it must necessarily be submitted, he had hoped the Senator would acquiesce in his suggestion. But the Senator did not seem to apprehend that, in the choice submitted to him, any courtesy was offered. He (Mr. AROHER) did not for a moment suppose, when he had made known the communication he had made from the Department of State, that there could be two opinions as to the propriety of disposing of this resolution. If the honorable Senator entertained a different opinion, he must be the only one in the Senate who could conceive that, when a subject of negotiation was pending between this Government and that of another country, it was proper for the Senate, after it was made known from the Executive department that disclosures would prejudice such negotiation, to interrogate the chief magistrate in regard to its progress. It would be to call upon the Executive to expose the information most material to this country, leaving unexposed that relating to the Government of Great Britain. When he (Mr. AROHER) told the honorable Senator that he had conferred with the head of the Department of State, and that it was his opinion the communication called for could not be made without prejudice to the public interest, he did not anticipate that the Senator would object that the Department of State was not the organ of the President of the United States. Now he (Mr. AROHER) should say that the Secretary of State is the only organ through which the President can make any communication of this nature to the Senate. It was a subject in his hands; and was it not by such organ that any approach could be made to the information which the President is asked to communicate? Did any one ever before hear a position advanced, which must lead to the conclusion that an opinion might be communicated to the Senate, by the Department of State, as an Executive opinion, adverse and contrary to the opinion and judgment of the chief magistrate himself? The opinion of the Executive department is to be taken as the opinion of the chief magistrate. The subject is depending, at present, as a matter of negotiation in the capital of the United States; and all the Senate knew that any legislative interference must have the tendency to disturb that negotiation. But where would be either the propriety or decorum

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*Mr. Madison's Papers.*

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of any interference? He (Mr. ARCHER) could hardly conceive that, even in the ardor of political excitement it would be thought desirable to invoke party spirit to sustain a course so manifestly impolitic. But he was now glad the Senator had declined the courtesy which he (Mr. ARCHER) had shown every disposition to extend to him; for it would give the Senate an opportunity of making the decision itself. He could not suppose that the Senator's resolution would be sustained after what he had made known as the opinion of the Secretary of State.

The question was then taken, and the resolution was adopted, as follows:

**YEAS.**—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Buchanan, Colquitt, Dickinson, Fairfield, Foster of New York, Hannegan, Henderson, McDuffie, Niles, Pearce, Rives, Sturgeon, Tappan, Walker, White, Woodbridge, and Woodbury—24.

**NAYS.**—Messrs. Archer, Barrow, Berrien, Clayton, Crittenden, Evans, Foster of Tennessee, Francis, Huntington, Mangum, Merriok, Miller, Morehead, Phelps, Porter, and Upham—16.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 17.

*Mr. Madison's Papers.*

Mr. DROMGOOLE offered the following resolution:

*Resolved,* That the Joint Committee on the Library be instructed to inquire into the expediency of contracting for the purchase and publication of the writings, correspondence, and papers of the late James Madison, not heretofore purchased and published.

Mr. D. remarked that he presumed there would be no objections to the inquiry. He asked, however, for the information of the House, that a short paper be read to call the attention of the House more particularly to the subject.

Mr. D. sent to the Clerk, by whom it was read, the following:

To the Hon. GEORGE C. DROMGOOLE,  
*House of Representatives:*

Permit me, sir, to take a liberty with you, which I feel some authority to do from the respect my husband cherished for you, and the affection with which you have inspired my son, who assisted in preparing the manuscript papers of Mr. Madison for the press, which I now desire to offer, through you, to Congress, as the safest proprietors of writings which they well know how to appreciate. They consist of between five and six volumes, exclusive of the Debates he disposed of to Congress—one on constitutional subjects, which may well follow the Debates, being comments on their results: three volumes of a historical character—legislative and administrative—embracing proceedings of the legislature of Virginia during his service in that body, as well as those of Congress while he was a member, under the administration of President Washington. The subjects of the residue of his

writings are political, political economy, law of nations, judicial, &c., and miscellaneous.

Should it please you to take part in my interest by making this proposal to your honorable body, I shall be ready to lay before you the work essential to the object, on your suggestion of the proper time.

With much respect,  
D. P. MADISON.

*Memorandum furnished Gen. Dromgoole.*

The writings of Mr. Madison are arranged to be divided into volumes of 500 or 600 pages:

Vol. 1st. The papers relating to the articles of confederation and constitution of Virginia; letters of James Madison to Jefferson, Monroe, Pendleton, Randolph, Washington, and Madison, sen., up to the commencement of the new government; with appendix, containing notes of confederacies and of the confederation.

Vol. 2d. The letters of the above-named and others during the administrations of Washington and Adams; republican view of the policy of those administrations; notes of conversations and papers connected with his confidential intercourse with Washington, his character and explanation of the enigma in Giles's impeachment of Hamilton.

Vol. 3d. The letters of or to foreign ministers and diplomatic functionaries, heads of departments, military and naval commanders, Presidents, and ex-Presidents Jefferson and Monroe; and, if necessary, to George Jay, Henry Wheaton, O. J. Ingersoll, Andrew Stevenson, John Adams, J. Q. Adams, Wm. C. Rives, &c., to the close of either administration, or to include the whole correspondence with Jefferson and Monroe, as may be necessary to fill the volume; showing the policy of these administrations.

Vol. 4th. Letters and writings on constitutional subjects.

Vol. 5th. Essays and letters on political economy, law of nations, juridical, historical, natural history, &c., may make out this volume; may include also printed essays in Freneau's political observations, 1795, and examination of British doctrine, &c.; some essays to be found with the papers relating to Washington; and possibly this fund, and what may be taken from the miscellaneous mass, may make the 5th and 6th volumes; and leave the miscellaneous for the 7th.

Vol. 6th. Miscellaneous.

The reading of these papers Mr. D. remarked showed the importance of the matter referred to. He took this occasion to say, also, that upon the adoption of the resolution to refer the matter to a joint committee, he was authorized to say the papers would be open for inspection to the committee. The papers were now in the city, at the residence of Mrs. Madison, where they were arranged with every facility for their examination.

He need not detain the House to remark upon the character of Mr. Madison, and particularly how pre-eminent above all other men he had been for the fidelity of his statements, and for his freedom from all political bias therein.

The question recurring on the resolution, was taken, and decided in the affirmative.

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*Message from the President—Massacre of Col. Fannin's Command.*

[28TH CONG.]

THURSDAY, December 19.

*Message from the President—Massacre of Col. Fannin's command.**To the Senate and House of Representatives:*

I transmit herewith copies of despatches received from our minister at Mexico since the commencement of your present session, which claim from their importance, and I doubt not will receive, your calm and deliberate consideration. The extraordinary and highly offensive language which the Mexican Government has thought proper to employ in reply to the remonstrance of the Executive, through Mr. Shannon, against the renewal of the war with Texas while the question of annexation was pending before Congress and the people, and also the proposed manner of conducting that war, will not fail to arrest your attention. Such remonstrance, urged in no unfriendly spirit to Mexico, was called for by considerations of an imperative character, having relation as well to the peace of this country and honor of this Government, as to the cause of humanity and civilization. Texas had entered into the treaty of annexation upon the invitation of the Executive; and when, for that act, she was threatened with a renewal of the war, on the part of Mexico, she naturally looked to this Government to interpose its efforts to ward off the threatened blow. But one course was left the Executive, acting within the limits of its constitutional competency; and that was, to protest, in respectful, but, at the same time, strong and decided terms, against it. The war thus threatened to be renewed was promulgated by edicts and decrees, which ordered, on the part of the Mexican military, the desolation of whole tracts of country, and the destruction, without discrimination, of all ages, sexes, and conditions of existence. Over the manner of conducting war, Mexico possesses no exclusive control. She has no right to violate at pleasure the principles which an enlightened civilization has laid down for the conduct of nations at war, and thereby retrograde to a period of barbarism, which, happily for the world, has long since passed away. All nations are interested in enforcing an observance of those principles; and the United States, the oldest of the American republics, and the nearest of the civilized powers to the theatre on which these enormities were proposed to be enacted, could not quietly content themselves to witness such a state of things. They had, through the Executive, on another occasion, (and, as was believed, with the approbation of the whole country,) remonstrated against outrages similar, but even less inhuman than those which, by her new edicts and decrees, she has threatened to perpetrate, and of which the late inhuman massacre at Tabasco was but the precursor.

The bloody and inhuman murder of Fannin and his companions, equalled only in savage barbarity by the usages of the untutored Indian tribes, proved how little confidence could be placed on the most solemn stipulations of her generals; while the fate of others who became her captives in war—many of whom, no longer able to sustain the fatigues and privations of long journeys, were shot down by the way-side, while their companions who survived were subjected to sufferings even more painful than death—had left an indelible stain on the pages of civilization. The Executive, with the evidence of an

intention on the part of Mexico to renew scenes so revolting to humanity, could do no less than renew remonstrances formerly urged. For fulfilling duties so imperative Mexico has thought proper, through her accredited organs, because she has had represented to her the inhumanity of such proceedings, to indulge in language unknown to the courtesy of diplomatic intercourse, and offensive in the highest degree to this Government and people. Nor has she offended in this only. She has not only violated existing conventions between the two countries, by arbitrary and unjust decrees against our trade and intercourse, but withholds instalments of debt due to our citizens, which she solemnly pledged herself to pay, under circumstances which are fully explained by the accompanying letter from Mr. Green, our secretary of legation. And when our minister has invited the attention of her Government to wrongs committed by her local authorities not only on the property, but on the persons, of our fellow-citizens engaged in prosecuting fair and honest pursuits, she has added insult to injury, by not even deigning, for months together, to return an answer to his representations. Still further to manifest her unfriendly feelings towards the United States, she has issued decrees expelling from some of her provinces American citizens engaged in the peaceful pursuits of life, and now denies to those of our citizens prosecuting the whale fishery on the north-west coast of the Pacific, the privilege which has, through all time heretofore, been accorded to them, of exchanging goods of a small amount in value, at her ports in California, for supplies indispensable to their health and comfort.

Nor will it escape the observation of Congress, that, in conducting a correspondence with a minister of the United States, who cannot and does not know any distinction between the geographical sections of the Union, charges wholly unfounded are made against particular States, and an appeal to others for aid and protection against supposed wrongs.

In this same connection, sectional prejudices are attempted to be excited, and the hazardous and unpardonable effort is made to foment divisions amongst the States of the Union, and thereby embitter their peace. Mexico has still to learn, that, however freely we may indulge in discussion among ourselves, the American people will tolerate no interference in their domestic affairs by any foreign Government; and in all that concerns the constitutional guarantees and the national honor, the people of the United States have but one mind and one heart.

The subject of annexation addresses itself, most fortunately, to every portion of the Union. The Executive would have been unmindful of its highest obligations if it could have adopted a course of policy dictated by sectional interests and local feelings. On the contrary, it was because the question was neither local nor sectional, but made its appeal to the interests of the whole Union, and of every State in the Union, that the negotiation, and finally the treaty of annexation, was entered into; and it has afforded me no ordinary pleasure to perceive, that, so far as demonstrations have been made upon it by the people, they have proceeded from all portions of the Union. Mexico may seek to excite divisions amongst us, by uttering unjust denunciations against particular States; but when she comes to know that the invitations addressed

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to our fellow-citizens by Spain, and afterwards by herself, to settle Texas, were accepted by emigrants from all the States; and when, in addition to this, she refreshes her recollection with the fact, that the first effort which was made to acquire Texas was during the administration of a distinguished citizen from an eastern State, which was afterwards renewed under the auspices of a President from the south-west, she will awake to a knowledge of the futility of her present purpose of sowing dissensions among us, or producing distraction in our councils, by attacks either on particular States, or on persons who are now in the retirement of private life. Considering the appeal which she now makes to eminent citizens by name, can she hope to escape censure for having ascribed to them, as well as to others, a design (as she pretends now for the first time revealed) of having originated negotiations to despoil her, by duplicity and falsehood, of a portion of her territory? The opinion then, as now, prevailed with the Executive, that the annexation of Texas to the Union was a matter of vast importance. In order to acquire that territory before it had assumed a position among the independent powers of the earth, propositions were made to Mexico for a cession of it to the United States. Mexico saw in these proceedings, at the time, no cause of complaint. She is now, when simply reminded of them, awakened to the knowledge of the fact, which she, through her Secretary of State, promulgates to the whole world as true, that those negotiations were founded in deception and falsehood, and superinduced by unjust and iniquitous motives. While Texas was a dependency of Mexico, the United States opened negotiations with the latter power for the cession of her then acknowledged territory; and now that Texas is independent of Mexico, and has maintained a separate existence for nine years—during which time she has been received into the family of nations, and is represented by accredited ambassadors at many of the principal courts of Europe—and when it has become obvious to the whole world that she is forever lost to Mexico, the United States is charged with deception and falsehood in all relating to the past, and condemnatory accusations are made against States which have had no special agency in the matter, because the Executive of the whole Union has negotiated with free and independent Texas upon a matter vitally important to the interests of both countries. And after nine years of unavailing war, Mexico now announces her intention, through her Secretary of Foreign Affairs, never to consent to the independence of Texas, or to abandon the effort to reconquer that republic. She thus announces a perpetual claim, which, at the end of a century, will furnish her as plausible a ground for discontent against any nation which, at the end of that time, may enter into a treaty with Texas, as she possesses at this moment against the United States. The lapse of time can add nothing to her title to independence.

A course of conduct such as has been described on the part of Mexico, in violation of all friendly feeling, and of the courtesy which should characterize the intercourse between the nations of the earth, might well justify the United States in a resort to any measures to vindicate their national honor; but actuated by a sincere desire to preserve the general peace, and in view of the present condition of Mexico, the Executive, resting upon its integrity, and

not fearing but that the judgment of the world will duly appreciate its motives, abstains from recommending to Congress a resort to measures of redress, and contents itself with re-urging upon that body prompt and immediate action on the subject of annexation. By adopting that measure, the United States will be in the exercise of an undoubted right; and if Mexico, not regarding their forbearance, shall aggravate the injustice of her conduct by a declaration of war against them, upon her head will rest all the responsibility.

JOHN TYLER.

WASHINGTON, December 18th, 1844.

Mr. C. J. INGERSOLL moved that the Message just read, and the accompanying documents, be referred to the Committee on Foreign Affairs, and be printed.

The motion was agreed to.

IN SENATE.

MONDAY, December 23.

*Texas Annexation, and Slavery Correspondence of the American Government with France.*

The Message received from the President of the United States, in answer to the resolution of the Senate of the 12th inst., calling for copies of the latest correspondence with Mr. King, minister of the United States at the court of France, touching the annexation of Texas, was read. It merely transmitted to the Senate the following correspondence:

*To the President of the United States:*

The Secretary of State has received from the President the resolution of the Senate of the 12th instant, requesting him "to communicate to the Senate, if not incompatible with the public interest, copies of all the correspondence not heretofore transmitted to the Senate, which may have taken place between the Department of State and the present minister of the United States to France, and between that minister and the Government of France, relating to the proposed annexation of Texas to the United States;" and, in answer thereto, has the honor to transmit herewith extracts from the instructions of this department to Mr. King, dated April 23, 1844, and from a despatch dated the 26th of August, 1844. These include all the instructions given to Mr. King in relation to the subject referred to in the resolution. The main object of his mission was to strengthen and confirm those friendly relations which have so long subsisted between the two countries; and, in the fulfilment of this purpose, it was left to his discretion—as he was, from his position in the Government, fully acquainted with the proposed measure of annexation in all its bearings—to adopt such course as might seem to him best calculated to prevent any misunderstanding in regard to so important a subject. His correspondence with the department in reference to it being a narrative of informal conversations, could not, consistently with usage or propriety, be made public. The only material part of this correspondence having relation to Texas, is embraced substantially in the despatch from this department to Mr. King, dated the 12th day of August last, (already

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published,) and in the extracts from the despatch of August 26, 1844, herewith communicated.

Respectfully submitted,

J. C. CALHOUN.

DEPARTMENT OF STATE,  
Washington, December 19, 1844.

*Mr. Calhoun to Mr. King.—Extracts.*

DEPARTMENT OF STATE,  
Washington, April 23, 1844.

SIR: Having received your letter of the 14th instant, notifying your acceptance of the appointment tendered to you by the President, as envoy extraordinary and minister plenipotentiary of the United States at Paris, and signifying your readiness to proceed upon your mission, I have now the honor to transmit to you your commission in that character, and a credential letter addressed to his Majesty the King of the French, together with an open copy of the same for your inspection and use. In presenting your letters of credence, you will take advantage of the occasion to address his Majesty assurances of the earnest desire by which the President continues to be animated to maintain unimpaired, and to strengthen, if possible, the friendly relations so happily subsisting between the United States and France; and to that end, the President relies with confidence upon your general knowledge of the situation and position of the two countries with regard to each other, and upon your experience and discretion, for a judicious co-operation in the cultivation and improvement of this good understanding between the parties.

The instructions of this department to your predecessors in the mission, to which you are referred, as embodying the views entertained by the existing administration of this Government, together with the other records and papers belonging to the legation, will give you an adequate idea of the state of the relations between the United States and France. These are, at present, and have long been, of the most friendly kind; and in intrusting them to your immediate charge and superintendence, the President indulges the confident hope, as I have already intimated, that no efforts will be spared on your part to strengthen and confirm the sentiments of mutual good understanding and respect prevailing between the two nations, and which are not less honorable to the character than advantageous to the interests of the parties. Special instructions upon important points at issue between the Governments will be transmitted to you from time to time, as occasions for them may arise.

During your residence in France, you may sometimes be applied to, to interpose in behalf of American citizens, to obtain satisfaction for claims which they may have on his Majesty's Government, or the redress of grievances which they may experience in the course of their dealings and transactions. You will, in all such cases, where the intervention of the Government may be proper, according to the public law, afford such official aid as may appear to you likely to be useful, whether you have special instructions from this department or not.

I am, sir, with great respect, your obedient servant,

J. C. CALHOUN.

WM. R. KING, Esq., &c., &c., &c.

*Mr. Calhoun to Mr. King.—Extract.*

DEPARTMENT OF STATE,  
Washington, August 26, 1844.

SIR: I have the honor to acknowledge the receipt of your despatch No. 2, dated July 31, and to express my gratification at the result of your conversation with M. Guizot; especially that part of it which refers to the rumored protest of the French Government, conjointly with that of Great Britain, against the proposed annexation of Texas to the United States. Such a step, had it been taken by France, must have excited unkind feelings, and given to the United States just cause of complaint. The Government of the United States will confidently rely on the assurances of M. Guizot; and it is hoped that, neither separately nor jointly with any other power, will France adopt a course which would seem so little in accordance with her true interests, or the friendly relations which have so long subsisted between the two countries.

My reply to your first despatch, which was forwarded by the last steamer, renders it unnecessary for me to enlarge on the topics presented in your last. In regard to M. Guizot's inquiry respecting a proposed guarantee of the independence of Texas, your reply was well timed, and judicious. The settled policy of the United States has been to avoid entering into such guarantees, except in cases of strong necessity. The present case offers no reasons to warrant a deviation from that policy. On the contrary, it presents a strong additional reason why it should be adhered to; as such a guarantee would permanently defeat the proposed measure of annexation, which both countries seem anxious to advance.

WM. R. KING, &c., &c., &c.

On motion of Mr. HUNTINGTON, the Message and correspondence were referred to the Committee on Foreign Relations, and ordered to be printed.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 25.

*Annexation of Texas.*

Mr. DOUGLAS, in pursuance of notice given, obtained leave, and introduced a joint resolution for the annexation of Texas to the United States, in conformity with the treaty of 1808 for the purchase of Louisiana.

The resolution, which is in the following words, was read the first and second time, and, on motion of Mr. D., referred to the Committee of the Whole on the state of the Union:

Joint resolutions for the reannexation of Texas to the United States, in conformity with the treaty of eighteen hundred and three, for the purchase of Louisiana.

Whereas, by the provisions of the treaty of eighteen hundred and three, between the United States and France, commonly called the Louisiana treaty, all that country known as Texas was ceded and conveyed to the United States; and whereas it was stipulated in the said treaty that the inhabitants of the ceded territory should be incorporated

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into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time should be protected in the free enjoyment of their liberty, property, and the religion which they professed; and whereas the present inhabitants of Texas, being the rightful owners thereof, have signified their willingness and desire to be reannexed to the United States and incorporated into the Union, according to the principles of the federal constitution and the stipulations of the said treaty: therefore—

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the passing of these resolutions, and the concurrence of the supreme authorities of Texas therein, the country known as Texas be, and the same is hereby reannexed to and made a portion of the territory of the United States; and the inhabitants of the said territory of Texas shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be protected in the free enjoyment of their liberty, property, and the religion which they profess.

2. *And be it further resolved,* That the country hereby reannexed shall be known as the Territory of Texas; and until further provision shall be made, the existing laws of Texas, not inconsistent with these resolutions, shall remain in force; and all Executive and judicial officers of Texas shall retain their offices, subject to the authority of the United States, with all the power and authority appertaining thereto, not inconsistent with, and necessary to carry into execution the objects and purposes of these resolutions; and the courts of justice shall remain as at present established and organized.

3. *And be it further resolved,* That all titles to real estate, valid under the existing laws of Texas, shall be deemed and held valid by the United States.

4. *And be it further resolved,* That the public lands in the said Territory of Texas, be, and the same are hereby pledged for the payment of the debts for which the faith of Texas stands pledged, supposed not to exceed ten millions of dollars; and in addition to the public lands hereby pledged, all the net revenue derived from customs and duties imposed on the importation of foreign merchandise, and collected within the limits of the said Territory of Texas, after deducting a sum sufficient to defray the expenses incurred by the United States for the support of the said Territory of Texas, shall be applied to the payment of the said debts of Texas, until the same shall be extinguished; and after the extinguishment of said debts, the residue of the proceeds of the sales of said lands, and the said customs and duties, shall go into the treasury of the United States.

5. *And be it further resolved,* That the amount and validity of said debts shall be ascertained, and the said lands disposed of, and the proceeds thereof, and the said duties and customs applied to their payment in such manner as the Congress of the United States shall direct.

6. *And be it further resolved,* That the territory

and property hereby annexed and ceded to the United States, shall be construed to embrace all public lots and squares, vacant lands, mines, minerals, salt lakes and springs, public edifices, fortifications, barracks, ports, and harbors; navy and navy-yards; docks, magazines, arms, armaments, and accoutrements; archives and public documents; public funds, debts, taxes, and dues, unpaid at the time of annexation.

7. *And be it further resolved,* That it shall be the duty of the Congress of the United States, in disposing of the public lands, to appropriate the sixteenth section of every township to the purposes of education; and when the same cannot be so applied in consequence of previous grants, or other causes, equal provision shall be made by grant of land elsewhere in the said territory.

8. *And be it further resolved,* That nothing herein contained shall be construed to affect or in any way interfere with the sixth section of the act approved the sixth of March, eighteen hundred and twenty, admitting the State of Missouri into the Union, and commonly called the Missouri compromise, that act having passed and approved prior to the ratification of the treaty commonly called the Florida treaty, by which Texas was ceded to Spain.

9. *And be it further resolved,* That if any disputes shall arise with any foreign power respecting the western boundary of Texas, the President of the United States is hereby requested to open negotiations for the adjustment of the same upon just and honorable terms, so soon as these resolutions shall be concurred in by the supreme authorities of Texas.

10. *And be it further resolved,* That these resolutions are hereby declared to be the fundamental law of union between the United States and Texas, as soon as the supreme authorities of Texas shall agree to the same; and it shall be the duty of the President of the United States, so soon as he shall be officially notified of such agreement on the part of Texas, to announce the same by proclamation.

## IN SENATE.

MONDAY, December 30.

The journal of Thursday last having been read,

Rev. Mr. TUSTON offered up the following prayer, viz:

Great God! in closing the labors of another year, and in entering upon the duties of another week, we desire to gather up around thy feet, that we may receive from thy lips the lessons of heavenly wisdom. Do thou, O God, instruct us in the knowledge of our Lord and Saviour Jesus Christ, whom to know aright is everlasting life. Sanctify to us all the dispensations of thy righteous, though sometimes profoundly mysterious, Providence. Thou hast seen fit, during the few months that are past, to erase from the register of the living the name of an honored, lamented, and beloved Senator. May we listen with attention and reverence to the voice which comes to us from his far-distant grave, saying to each and every one of us, "be ye also ready, for at such an hour as ye think not, the Son of man shall come." And O thou who dost temper the piercing north wind to the sides of the

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lamb newly shorn of its fleece, do thou sustain and comfort the heart which, by this bereavement, has been shorn of its joys and its hopes. Be thou the husband of the widow, and the father of the fatherless. And grant, O Lord, that the changes which are here continually transpiring, may induce us all to seek a permanent connection with the general assembly and church of the first-born, whose names are written in Heaven; and this, with the forgiveness of all our sins, personal and national, we humbly beg, for Jesus Christ's sake. Amen.

#### *Death of Senator Fulton.*

Mr. SEVIER then addressed the Senate in the following words:

Mr. President: Indispensable public and private engagements in my own section of the Union, have kept me from my seat in the Senate until a few days since. And now that I am here, I regret that the first duty which I have to perform is one calculated to give pain to the heart of every Senator. My late friend and colleague, WILLIAM S. FULTON, one of the Senators from the State of Arkansas, is no more! He died, in the fiftieth year of his age, on the morning of the 15th August last, at his residence at Rosewood, in the vicinity of Little Rock. His sickness was of short duration, but of a most painful and melancholy character. He died of a disease contracted by imprudently sleeping in a chamber but recently painted—a disease which baffled the skill of the most eminent of our physicians. He died suffering more than I can describe. Though absent in a distant part of the State during his sickness, I reached his residence about daylight on the morning of his death, and saw him die. It was a scene, Mr. President, which I shall never forget. The agony of his wife and relatives, and near personal friends, on that most melancholy occasion, I shall not attempt to describe. Fully aware of his approaching end, he met his death with firmness and resignation, and conversed sensibly of his affairs to the last.

His loss to his family is an irreparable one. Their brightest hopes of life have been withered and annihilated forever. He was the prop of his house; a provident and devoted husband; a kind and affectionate parent. The grief which they feel in consequence of their loss, time and a merciful Providence alone can mellow and ameliorate. He received in his sickness every attention which love and professional skill could render, but all in vain! It will be gratifying to the Senate to learn that he left his family, though not in affluent, yet in easy pecuniary circumstances; and surrounded by those who will befriend and protect his widow, and be as fathers to his minor children.

His loss to me, sir, is most sensibly felt. We were intimately connected in the closest ties of personal and political friendship for more than fifteen years; and during all that time our friendship, in every respect, was never interrupted for a single moment. A truer friend, and one in every sense more devoted, I never

had, or expect to have. But, sir, my loss, as great as I regard it, is nothing compared to his loss to his State and to the whole country. From early youth to the day of his death, in the fulness of manhood, he was actively engaged in the service of his country: first in military, and then in civil capacities, of high trust and responsibility—often at the post of danger, and always at that of duty; and wherever placed, or however tried, he proved himself equal to the occasion. True to his country, he was always ready, promptly and efficiently, to render her any service required at his hands. Possessing a purity of principle and sternness of integrity which “knew no change, nor the shadow of turning,” he united with these sterling qualities a cordial warmth of feeling, and winning amiability of manner, which secured him alike the respect and affection of all.

Gov. FULTON was born in Cecil county, in the State of Maryland, on the 2d of June, 1795. He had not attained the age of manhood, when his youthful patriotism would not permit him to be a silent spectator of the last war. Following the example of his gallant father, who commanded a volunteer corps of artillery, he tendered his services to his country, and was received as a volunteer aid to Col. Armistead, in the memorable bombardment of Fort McHenry—during which, from the necessary activity of his services, he was exposed to great danger.

Subsequently to which, he removed to the State of Tennessee; and there acquiring the friendship of General Jackson, he served with him as private secretary during his Florida campaigns.

At the termination of the war, he studied law, at Nashville, in the office of the late Felix Grundy; and afterwards settled in Florence, in Alabama, where he practised his profession as a lawyer.

Upon the accession of Gen. Jackson to the presidency, in 1829, among the first appointments to office by Gen. Jackson, was that of his friend FULTON to the office of secretary for the then Territory of Arkansas, under Gov. Pope. This office he held, and the duties of which he faithfully discharged, until the expiration of Gov. Pope's term of service, in 1835, when he was appointed to succeed him. He continued in that office until it ceased, the next year, by the admission of Arkansas into the Union as a State.

Upon the organization of the State government of Arkansas, he was elected one of the two Senators to the Congress of the United States. He was again elected to the same office in 1840, and had three years of his term to serve when he died.

How he performed his various public trusts, let his rapid advancement, from stations which were humble to those of high trust and responsibility, answer. The son of an Irishman, poor, and unknown to fame—too young to be coerced



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to the performance of military duty,—yet he and his father were volunteers in the service of their country, in the dark hour of their country's peril. His gallantry at Fort McHenry gave him the friendship of Gen. Jackson, who made him his private secretary in his Florida campaigns. His fidelity to Gen. Jackson, and qualifications for the office, made him secretary of Arkansas. His fidelity to the people of Arkansas as governor and secretary made him one of the Senators from that State. And his fidelity and efficiency while a member of the Senate—of which I am sure you will all bear testimony—being rarely ever absent, and always performing duty, gave him his re-election to the Senate in 1840. In his case, as strongly perhaps as in that of any other, we have the exemplification that a public servant that never trips nor falters in his duty to his constituents, is rarely ever forgotten by a grateful people.

As a politician, Gov. FULTON was a member of the democratic party; and while none was more conscientious and zealous in the support and advocacy of his party, with a magnanimity and toleration which all might admire and usefully imitate, he accorded honesty and patriotism of purpose to those who differed with him, and in his personal intercourse regarded all as friends. He died without leaving an enemy behind him.

The remains of Gov. FULTON, on the day after his death, amid the mournful tolling of the church bells, and accompanied with nearly the whole population, in procession as mourners, were carried to the public burying ground of Little Rock, and there buried by the side of his father and brother, and several of his children.

On the day after, the citizens of Little Rock and its vicinity, in the capital of the State, held a public meeting, at which resolutions were passed paying a proper tribute of respect to his memory. And more recently, upon the assembling of the State legislature of Arkansas, his death was announced, when similar resolutions of respect to his memory were passed, both branches of the general assembly adjourned, and clothed themselves in the habiliments of mourning—as did also every officer of the State.

In this deep affliction of my State, for the premature loss of one of her favorite sons, and as a proper mark of respect to one of our late beloved associates, I ask of the Senate its sympathy, and accordingly offer for its consideration the adoption of the following resolutions:

*Resolved unanimously*, That the Senate, from a sincere desire of showing every mark of respect due to the memory of the Hon. WILLIAM S. FULTON, late a member thereof, will go into mourning by wearing crape on the left arm for thirty days.

*Resolved unanimously*, That as an additional mark of respect for the memory of the Hon. WILLIAM S. FULTON, the Senate do now adjourn.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

Whereupon the Senate then adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, December 30.

*Death of Senator Fulton.*

The resolutions adopted in the Senate after the announcement of the death of Mr. FULTON, (for which see Senate report,) were delivered to the House by Asbury Dickins, Esq., the Secretary of the Senate, and were read by the Clerk.

Mr. CROSS then rose and spoke as follows:

Mr. Speaker: The message just communicated from the Senate relates to a melancholy event, which should serve to remind us of the frail tenure by which life is held; and, at the same time, of the certainty of death. Senator FULTON left this city at the close of the last session of Congress in good health, and with as fair prospects for a long and useful life as any member of the body to which he belonged. Now, his remains rest in the sleep of death, beneath the sod of his adopted State. After reaching home, his health continued good until early in August, when it became slightly impaired. In this condition he slept for several nights in a chamber freshly painted—thus subjecting himself to the influence of an infected atmosphere, and, as was believed, ultimately causing his death. If medical skill, and the gentle, soothing, and ever-watchful attentions which a wife, in the devotedness of her affection, can only bestow, could have succeeded, this distinguished man would have been saved to his country, to his friends, and to his family. But the fiat had gone forth; and human skill, although sustained by the watchfulness of affection, could not avert it.

The Hon. WILLIAM S. FULTON died at Rosewood, his residence, near the city of Little Rock, in Arkansas, on the 15th August last, in the fiftieth year of his age. He was a native of Cecil county, in the State of Maryland, and the first step in his public career, was taken as one of her sons in the defence of Fort McHenry, at its bombardment, during the last war, as a temporary aid of its gallant commander. Subsequently he removed with his father's family to the State of Tennessee, and soon afterwards joined the army under General Jackson, with whom he served in the capacity of private secretary throughout his Florida campaigns. On his return to Tennessee, he engaged in the study of law under the direction of the late Mr. Grundy, of Nashville, and having obtained a license to practise in that profession, he removed to the State of Alabama, where, in a short time, he was honored with a place in her judiciary. In the course of twelve or eighteen months afterwards, a vacancy occurred in the office of secretary of the then Territory of Arkansas, and his former friend and patron (General Jackson) being President of the United States, appointed him to fill the vacancy. Subsequently the same distinguished individual appointed him governor of that Territory. And in 1836, upon her admission into the

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*Annexation of Texas.*

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Union as a State, he was chosen by an almost unanimous vote as one of her Senators in Congress. In 1839 he was again elected by a like flattering vote to the same high and honorable station. It is no less remarkable than true, that in performing the various and responsible duties of these several offices and situations, running through a period of nearly thirty years, and embracing seasons of high party excitement, it was his rare fortune to escape the slightest imputation upon his integrity. No higher testimony could be afforded of his ability to be useful, or of the purity of his public life. As an honest man and patriot, he may have had equals; certainly no superior. Arkansas deeply deplores the loss she has sustained; and no monument to perpetuate his memory could be more honorable than that which he himself has reared in the affections of her people. It was, however, in the social circle, and in the relations of private life, that his virtues were most conspicuous. Amiable, artless, and benevolent, he never failed to acquire the esteem and respect of those with whom he associated. Candor, frankness, and honor, characterized his intercourse, and were apparent in all his transactions.

Of his afflicted widow and bereaved children my feelings will scarcely permit me to speak; upon them the melancholy dispensation rests most heavily. A husband, a father, is no more; but lost to them forever. A recurrence to these endearing relations could but deepen the poignancy of grief; and I only add that he died as he lived—at peace with all his race, and in the confident hope that he was at peace with his God.

Mr. C. concluded by offering the following resolution:

*Resolved*, That, as a testimony of respect for the memory of the Hon. W. S. FULTON, deceased, the members of this House will wear the usual badge of mourning for thirty days; and that the House, as a further mark of respect for his memory, do now adjourn.

The resolution was unanimously agreed to; and

The House adjourned till to-morrow.

TUESDAY, December 31.

*Annexation of Texas.*

Mr. TIBBATS rose, and said he desired to obtain leave to introduce a bill and joint resolution in relation to the annexation of Texas.

Mr. BARNARD objected, notice not having been heretofore given.

Mr. TIBBATS then gave notice of his intention hereafter to ask leave to introduce a bill to authorize the people of Texas to form a constitution and State government, and for the admission of such State into the Union upon an equal footing with the original States; and a joint resolution, pledging to the citizens of Texas the protection of this nation until the

question of reannexation shall be definitively settled.

FRIDAY, January 3, 1845.

*Annexation of Texas.*

Mr. C. J. INGRESOLL moved that the rules be suspended, that the House might resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the Texas question.

The SPEAKER remarked that the first business in order was the resolution of the gentleman from Alabama, (Mr. HousEON,) submitted yesterday before the adjournment, to fix the time for the termination of the debate in Committee of the Whole on the state of the Union, on the bill to reduce and graduate the price of the public lands in favor of settlers and cultivators.

Mr. C. J. INGRESOLL then moved to take up the Texas joint resolution which he had designated; and the motion was agreed to.

The joint resolution was read at length by the Clerk as follows:

“JOINT RESOLUTION for annexing Texas to the United States.

“*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That annexation and union between the said United States and the republic of Texas take effect as settled the twelfth of April last, in the following words, viz:

“ARTICLE I. The republic of Texas, acting in conformity with the wishes of the people and Government, cedes to the United States all the territories of Texas, to be held by them in full property and sovereignty, and to be annexed to the said United States as one of their Territories, subject to the same constitutional provisions with their other Territories. This cession including all public lots and squares, vacant lands, mines, minerals, salt lakes and springs, public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and accoutrements, archives and public documents, public funds, debts, taxes and dues unpaid at the time of annexation.

“ARTICLE II. The citizens of Texas shall be incorporated into the Union of the United States, maintained and protected in the free enjoyment of their liberty and property, and admitted, as soon as may be consistent with the principles of the federal constitution, to the enjoyment of all the rights, privileges, and immunities, of citizens of the United States.

“ARTICLE III. All titles and claims to real estate, valid under the laws of Texas, shall be held so by the United States, and measures adopted for the speedy adjudication of all unsettled claims to land, and patents shall be granted to those found valid.

“ARTICLE IV. The public land hereby ceded, shall be subject to the laws regulating the public lands in the other Territories of the United States, as far as they may be applicable; subject, however, to such alterations and changes as Congress may from time to time think proper to make. If, in consequence of the mode in which lands have been

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surveyed in Texas, or from previous grants or locations, the sixteenth section cannot be applied to the purpose of education, Congress shall make equal provision by grant of land elsewhere. And it is also further understood that, hereafter, the books, papers, and documents of the General Land Office of Texas shall be deposited and kept at such place in Texas as the Congress of the United States shall direct.

"ARTICLE V. The United States assume and agree to pay the public debts and liabilities of Texas, however created, for which the faith or credit of her Government may be bound at the time of annexation, said debts and liabilities estimated not to exceed, in the whole, ten millions of dollars, to be ascertained and paid in the manner hereinafter stated:

The payment of the sum of three hundred and fifty thousand dollars shall be made at the treasury of the United States, within ninety days after annexation, as follows: Two hundred and fifty thousand dollars to Frederick Dawson, of Baltimore, or his executors, on the delivery of that amount of ten per cent. bonds of Texas; one hundred thousand dollars, if so much be required, in the redemption of the exchequer bills which may be in circulation at the time of annexation. For the payment of the remainder of the debts and liabilities of Texas, which, together with the amount already specified, shall not exceed ten millions of dollars, the public lands herein ceded, and the net revenue from the same, are hereby pledged.

"ARTICLE VI. In order to ascertain the full amount of the debts and liabilities herein assumed, and the legality and validity thereof, four commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall meet at Washington, Texas, within the period of six months after annexation, and may continue in session not exceeding twelve months, unless the Congress of the United States should prolong the time. They shall take an oath for the faithful discharge of their duties, and that they are not directly or indirectly interested in said claims at the time, and will not be during their continuance in office, and the said oath shall be recorded with their proceedings. In case of the death, sickness, or resignation of any of the commissioners, his or their place or places may be supplied by the appointment as aforesaid, or by the President of the United States during the recess of the Senate. They, or a majority of them, shall be authorized, under such regulations as the Congress of the United States may prescribe, to hear, examine, and decide on all questions touching the legality and validity of said claims, and shall, when a claim is allowed, issue a certificate to the claimant, stating the amount, distinguishing principal from interest. The certificates so issued shall be numbered, and entry made of the number, the name of the person to whom issued, and the amount, in a book to be kept for that purpose. They shall transmit the records of their proceedings and the book in which the certificates are entered, with the vouchers and documents produced before them, relative to the claims allowed or rejected, to the Treasury Department of the United States, to be deposited therein: and the Secretary of the Treasury shall, as soon as practicable after the receipt of the same, ascertain the aggregate amount of the debts and liabilities allowed; and if the same, when

added to the amount to be paid to Frederick Dawson, and the sum which may be paid in the redemption of the exchequer bills, shall not exceed the estimated sum of ten millions of dollars, he shall, on the presentation of a certificate of the commissioners, issue, at the option of the holder, a new certificate for the amount, distinguishing principal from interest, and payable to him or order, out of the net proceeds of the public lands hereby ceded, or stock of the United States, for the amount allowed, including principal and interest, and bearing an interest of three per cent. per annum from the date thereof; which stock, in addition to being made payable out of the net proceeds of the public lands hereby ceded, shall also be receivable in payment for the same. In case the amount of the debts and liabilities allowed, with the sums aforesaid to be paid to Frederick Dawson, and which may be paid in the redemption of the exchequer bills, shall exceed the sum of ten millions of dollars, the said secretary, before issuing a new certificate, or stock, as the case may be, shall make in each case such proportionable and ratable deduction on its amount, as to reduce the aggregate to the said sum of ten millions of dollars; and he shall have power to make all needful rules and regulations necessary to carry into effect the powers hereby vested in him.

"ARTICLE VII. Until further provision shall be made, the laws of Texas, as now existing, shall remain in force; and all executive and judicial officers of Texas, except the President, Vice President, and heads of departments, shall retain their offices, with all power and authority appertaining thereto; and the courts of justice shall remain in all respects as now established and organized.

"ARTICLE VIII. Immediately after annexation, the President of the United States, by and with the advice and consent of the Senate, shall appoint a commissioner, who shall proceed to Texas, and receive the transfer of the territory thereof, and all the archives and public property, and other things herein conveyed, in the name of the United States. He shall exercise all executive authority in said territory necessary to the proper execution of the laws, until otherwise provided.

"Resolved, That the said articles are hereby declared to be the fundamental law of union between the said United States and Texas, so soon as the supreme authorities of the said republic of Texas shall agree to the same. And it shall be the duty of the President of the United States, so soon as he shall be officially notified of such agreement on the part of Texas, to announce the same by proclamation.

"Resolved further, by the authority aforesaid, That it is understood and intended, that whatever was stipulated to be done immediately, or at a fixed period after the exchange of said compact, shall be done immediately, or in a like period after the supreme authorities of Texas shall have formally agreed to these resolutions."

Mr. C. J. INGERSOLL rose and addressed the Chairman. But before proceeding with his remarks,

Mr. WELLS appealed to him to yield the floor, simply to move an amendment.

Mr. INGERSOLL. I have no objection, if it does not deprive me of my right to the floor.

Mr. WELLS. Undoubtedly it will not.

The Chairman having signified his assent to the same,

Mr. WELLER moved to amend the resolution, by striking out all after the enacting clause, and inserting the resolutions he had had the honor some days since to introduce. His object was, he said, to make the proposition more acceptable to the House than the form presented by the chairman of the Committee on Foreign Affairs, although he did not say (he was so understood to remark) that he would not vote for the resolution of the committee, in case it should receive the preference of the House.

Mr. INGERSOLL. Does the gentleman desire the reading of his resolutions?

Mr. WELLER. No; it is the same bill presented by myself a few days since.

Mr. DOUGLAS moved to amend the amendment of Mr. WELLER, by substituting therefor the resolutions which he had had the honor to introduce a few days since.

The question then being announced on the amendment to the amendment—

Mr. C. J. INGERSOLL said he supposed it was expected that he should preface this measure by some introductory views of it; but he did not intend much more than mere statement—reserving argument till objections made it necessary. He should not, therefore, undertake to defend or vindicate the restoration of Texas to the United States, but simply explain what he believed to be the present position of that important measure. It has been abundantly discussed everywhere except in this House of Representatives. At popular meetings, by the American press, in several of the State legislatures, in the published proceedings of the Senate of the United States, in various executive communications to both branches of Congress, by several individual contributions to general information—in short, everywhere, every how considered, and universal sentiment ascertained, except in this hall, where untoward preventions have till now frustrated deliberation on it; even in European newspapers, more than in this House, where it now first appears. Desirous of keeping so great a national consummation clear of party influences, Mr. I. would not, in addition, vouch the late presidential election, pregnant as it was of popular will on this subject, as well whig as democratic, further than to say, in his own justification, that, without a word of argument, he had, at every meeting in his district, during the canvass, said if elected, he should deem himself instructed to vote for the immediate reannexation of Texas. For, said Mr. I., this is no recent opinion with me. I did not wait till presidents and secretaries, actual or past, recommended the recovery of that natural and indispensable part of the United States, as enlarged by the acquisition of Louisiana; but for many years have been the constant and unhesitating advocate of getting back Texas. When we reflect on what public sentiment was only one year ago, and is now, it is as pleasing as surprising to

perceive how it has grown on this subject. Without government support, this progress is strong proof of popular will. When Congress came together last year, Texas was little known in the greater part of the United States, and less liked. Most people were ignorant of the localities, the advantages, the rights, and the realities of that fine region. A vote on it then would have been largely negative. There was little public attention but what was elicited by the manifesto of some members of Congress, warning the country against annexation as the mother of disunion and of slavery—twin calamities earnestly deprecated as its offspring. Whereas I venture to assert that the general disposition for Louisiana, which brought it into the Union without a clause in the constitution, was by no means so preponderant when that territory was acquired, either in 1803 or 1812, as the inclination is for Texas now. I go further, and assert that the war of 1812 was waged for nearly three years to a successful end, by much less of a majority of the American people than now approve the recovery of Texas. A much greater and more formidable minority opposed that war than now repudiate Texas. I mean nothing invidious by these statements, but aver them as facts full of meaning.

If, then, we represent an American Union governed by the will of the people, it is our representative duty to bring back Texas into it, if we can. This is the duty of Congress, in both branches; and the numerous proffers in this House, of plans, not very different in their postulates, prove that many covet the honor of being the advocates of Texas. Indeed, except unfounded apprehensions of the spread of domestic slavery, there is hardly a great question of public policy on which the American will is more united.

Such being the case, I shall, as a sincere well-wisher of the measure, strive to conciliate harmonious action on it, by voting for any and every reasonable plan for its accomplishment. Tenacious of no one—ambitious of no selfish or peculiar honor in the movement—the earliest recovery of Texas will be my study, and every feasible arrangement of it command my vote. As it is a contract or bargain with another country, it seems to me that an arrangement, carefully digested, with the agents of that country, authorized *ad hoc*, must be the best mode, if not the only one. But if any gentleman can show that it may be as well done without regard to the terms and conditions of the treaty, that gentleman's plan shall have my vote, should the terms of the treaty be deemed too obnoxious for adoption. As it is annexation to and at the South, I think the wishes of the South entitled to be most consulted; just as those of Maine and Massachusetts were consulted in the late settlement of the north-eastern boundary. Still, like that of Maine, the Texas question is national; and national considerations should prevail in the lat-

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ter as they did in the former, when the Union, south, and west, and central, sustained the north-east in its plan of settlement. It is undeniable, however, that Southern interests, Southern frontiers, Southern institutions—I mean slavery and all—are to be primarily regarded in settling the restoration of Texas. It is a Texas question and a Southern question. If Southern Secretaries of State—one of whom originated, and another is striving to consummate, the affair—betray Southern partialities which many of us may deem not quite national, that is no reason why a great national measure should not be effected on great national considerations. So, if our minister to Mexico discuss the matter with the Mexican authorities in a tone or temper which we may not approve, that is no sufficient reason why the affair itself should be frustrated. We must regard the merits and substance of the measure, and negotiation concerning it, without being prejudiced or prevented by the mere manner of dealing with them.

MONDAY, January 6.

Texas.

Mr. HAMMETT moved to suspend the rules, which was put, and carried, and the House resolved itself into Committee of the Whole on the state of the Union, (Mr. HOPKINS, of Virginia, in the chair,) and resumed the consideration of the joint resolution providing for the reannexation of Texas to the Union.

Mr. WINTHROP said, one of the greatest complaints made by our fathers of the revolution against the British Government, was that it considered slavery a good and a blessing; that it had refused its assent to acts of the colonies for its suppression; that it reprimanded the Governor of South Carolina for having given his assent to one of those acts. It seemed to him that arguments on this question more particularly belonged to those who maintained the affirmative of the proposition, and not to those who were opposed to it. It was for those who contemplated so momentous a change in our system—who were for running off for foreign lands and foreign alliances—it was for those who sought to jeopard the peace and union of the country, in order to find a more ample theatre for their transcendental patriotism, to furnish arguments to sustain them. It was for them to make out their case. It was for them to show the policy of the act, and to point out the precise terms in which it was to be consummated. For us, (said Mr. W.) who desire no change, who are content with the country as it is, and with the constitution as it is—whose whole policy looked to the aggrandisement of the country by internal developments, and not by foreign acquisitions, we want no arguments. It is only necessary for us to content ourselves by sitting quietly in our seats, and answer, as the old barons of England did, *notumus leges Anglia mutari*. Sir, (said Mr. W.) we have the constitution. That con-

stitution is one of limited powers, and of specific grants of power. That constitution contains the clause that the powers therein enumerated shall not be construed to deny or disparage others retained by the people; and it also contained the clause that the powers not thereby granted are reserved to the States or to the people.

Now it was for those who contended for the annexation of a foreign territory, to show that the power they attempt to exercise is contained in the grant. It was not for them to rely on the feebleness of those who dissented from that proposition, but to seek for arguments to support their own cause. He was not at all astonished that the friends of this measure should have desired to throw off the load of argument from their own shoulders, and impose it on their opponents. Having tried all the means in their power of reconciling the difficulties among themselves in regard to the accomplishment of this measure; having tried the *ultima ratio* of a letter from the Hermitage in vain, the old Roman cement having lost its binding force, their last hopes were that the blows of their enemies might, more successfully than the love pats of their friends, knock their project into some shape that would render it acceptable to all. It seemed to be supposed by them that some anti-slavery feeling would manifest itself in the course of the debate, in such sudden and violent outbursts as to compel certain Southern members to give their votes for this measure, or their States to send other members here in their places next session, who would be more complaisant. For himself, he was not disposed to minister to this feeling. Though he had no hesitation in saying that one of the grounds of his opposition to the annexation of Texas, was, that it would result in the extension of slavery, and if his hour held out, he should treat it in connection with the question of slavery, yet he would do it in entire deference to the Constitution of the United States, which he was sworn to support. He should do it with the entire admission, which no Northern statesman has ever withheld, that so far as slavery exists in the States of the Union, this Government had no right whatever to interfere.

It was impossible for him to realize the fact that this subject was actually before the House for discussion. The introduction of a vast foreign nation into our boundaries—the naturalization of some thousands of Texans, as well as Mexicans—the introduction of 25,000 slaves into the Union in defiance of the constitution, which prohibits it—the admission of a territory not only of a size sufficient to create two or three new States, but of a capacity to disturb the orbits of all the other stars, and drive them into a new centre towards other suns, and all this, too, by one simple act of legislation, was a thing so monstrous as almost to exceed belief. What was it? It was a measure devised by a Chief Magistrate who was not the choice of the people, but who was the Chief Magistrate by

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accident, for his own ambitious views. It was rejected by the Senate, after mature deliberation, and a thorough discussion; and it was now brought forward, after an hour's consultation in the Committee on Foreign Affairs, and was to be passed with as little consideration as was ordinarily bestowed on an act to grant a salary or create an office.

He however observed, that he did now begin to feel some sympathy with the people of Texas, who had been deluded and betrayed by false pretences and promises. Where was the promise which the President of the United States dared to give to the people of Texas at the outset of this negotiation!—that promise which the President of the United States dared to give, that, if the treaty was entered upon, two-thirds of the Senate would ratify. But he would no longer discuss this matter. He saw it was beginning to be a sore topic. The chairman of the Committee on Foreign Affairs admitted that there was now some fear of annexation if there should be much longer delay: there were some persons in Texas who appeared to be changing their minds; and so they were here not only to get the start of our own people, but to pass a snap judgment on the will and judgment of the people of Texas. He (Mr. W.) did think there was some reaction on the subject of annexation; and hence, he repeated, he began to have some sympathy with the people of Texas.

He then proceeded to state his grounds of opposition to the passage of these annexation resolutions, on which this debate in Committee of the Whole was based. He said, as he had said on a previous occasion, that the whole scheme was unconstitutional in substance and in form; that it was contrary to the law of nations, and was a violation of the good faith of our own country; and, in his judgment, it was eminently calculated to involve this country in an unjust and dishonorable war. He also objected to it on account of its relation with domestic slavery. He was one of those who utterly denied the authority of this Government to annex a foreign State to this Government, by any process short of an appeal to the people in the form which the constitution prescribed for its amendment. He also read an extract from the oft-quoted letter of Mr. Forsyth, which set forth doctrines that were held by the whole of Mr. Van Buren's cabinet—on the question of annexation, which he said contained not one word approaching a pretence of any right to reannex Texas. That letter admitted that the territory here in question went beyond that territory which was ceded by France in 1803, which treaty had been quoted here so often as a precedent on which to rely as a justification for this proposed acquisition of territory. There were, if he understood them, gentlemen, who claimed here to be guided by precedent, while they refused to be guided by precedent on any other question. They rejected the idea that the signature of Washington and

of Madison to a Bank of the United States had settled a precedent of its constitutionality; and they hailed the return to the sub-treasury system as a return to that original constitutional purity from which it had been perverted by Washington and Madison! Yea, a restoration by Jackson and Tyler of constitutional purity from which Washington and Madison had departed! If old Roman orators of which they read could look into each other's face without laughing, he could not conceive how some modern gentlemen could do so. They denied the constitutionality of a Bank of the United States, of a tariff to protect and encourage domestic industry—they denied the force of precedent in every other instance, but they relied on the precedent which they found in the cession of Louisiana. Now, he was no despiser of precedent, especially such precedents as were afforded by the early cabinets, for which he had the most deferential respect; but he could not understand this disregard of precedent in all other cases than this annexation of Texas, and such a precedent as the cession of Louisiana afforded. Why, they knew that Mr. Jefferson, in his letter to Mr. Breckenridge, acknowledged that they were doing an act which went beyond the constitution. And he read an extract from a letter written by Mr. Jefferson, in which he expressed the opinion that the limits of the United States were fixed; that the Constitution of the United States was made for the territory so limited; and that he could not believe but that the intention was not to permit Congress to admit new States which should be formed out of new territory not included in those limits. Mr. Jefferson did not believe that Congress had such power: and who did believe it? There were compromises in the constitution; and he would here take occasion to say, that Massachusetts had been falsely charged with a design to violate those compromises, because she had thought fit to submit a proposition to amend the constitution.

Mr. DOUGLAS said the gentleman from Massachusetts who had just taken his seat, (Mr. WINTHROP), had seemed to consider it incumbent on the friends of the annexation of Texas to the Union to deal altogether with arguments, and to show thereby that they had the right to do what they proposed, and in the form which they proposed; whereas he claimed entire exemption on the part of their opponents from dealing in argument; but that it was sufficient for them simply to content themselves, by saying, "No, no" to every thing they proposed. Mr. D. admitted that it was incumbent on the advocates of this measure to sustain it by argument, and he would not complain of their opponents for taking the course the gentleman had marked out for them, for he candidly believed that, before the discussion terminated, it would appear that, for them, discretion was the better part of valor, and that the best course for them would be to content themselves with perpetually saying "No, no."

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One word in relation to the origin of the Texas question. The gentleman from Massachusetts had been pleased to tell them that it had been devised by a President of the United States not elected by the people; and the gentleman had passed censure on the President and the hero of the Hermitage for the interest and zeal they had manifested on this question of annexation. Mr. D. denied that the accidental President of the United States had the credit of originating the project of the annexation of Texas to the Union. The honorable gentleman from Massachusetts (Mr. ADAMS) could assert a claim to that honor, founded on the fact that when President of the United States in 1825, he and his secretary (Mr. Clay) proposed to annex Texas to this Union, and offered millions of dollars in order to secure this valuable acquisition. Mr. D. briefly reviewed the history of the action of the Government with reference to the annexation of Texas, noticing first the renewal of the attempt by Mr. Adams in 1827, when it was proposed to reannex Texas, under the existence of all that state of facts which the opponents of the measure now brought forward as conclusive evidence that it could not be done consistently with our treaty stipulations, and the faith and honor of the Government. Then, Texas and Mexico, severally, were revolted colonies to Spain, their independence not acknowledged, the war then raging; and while that war was continuing between Mexico and Texas, as revolted colonies on the one hand, and Spain on the other, the gentleman from Massachusetts and Mr. Clay had twice attempted to reannex Texas, and then adopt the unconstitutional war which they were told so much of. Yes; he took the facts from the official State papers of our country; and on these facts he denied the credit to Mr. Tyler of having originated this Texas hobby for the purpose of making political capital.

He also referred to the fact, that one of the first acts of General Jackson's administration, following the footsteps of his illustrious predecessor, was the order of General Jackson to Mr. Van Buren, his secretary, to instruct our minister at Mexico to make a contract to reannex Texas—to offer some five millions of dollars for the accomplishment of this great and useful object; and to say that the fact of the pending war between Spain and Mexico would be an inducement to be urged upon Mexico why she should accept the five millions of dollars, in order to take that money and urge the war more vigorously against Spain. When that proposition was made by Mr. Van Buren in 1829, Spanish troops were yet in Mexico; war then existed; and the documents referred to showed the fact. And still our country tried annexation under these circumstances! Again: in 1833, General Jackson and Mr. Livingston, his Secretary of State, and in 1835, General Jackson and Mr. Forsyth, his Secretary of State, renewed the proposition. Yet, in the very face of these State documents, they were

told by the gentleman from Massachusetts (Mr. WINTHROP) that the whole scheme had been devised by a President not elected by the people! It occurred to him, (Mr. D.,) at this moment, that he might have done the gentleman (Mr. WINTHROP) injustice. It was possible, inasmuch as the gentleman from Massachusetts (Mr. ADAMS) did originate the measure, that his colleague (Mr. WINTHROP) had referred to him, [laughter,] when he had said that the scheme was originated by a President not elected by the people. [Renewed laughter.] If so, he thought it unjust in the gentleman to make such an allusion: if made with reference to the gentleman from Massachusetts, he thought it ought to be resented; if it was not made to him, it was not sustained by the facts.

Mr. D. next took a view of the great commercial advantages that would result from the annexation of Texas, and pointed to the great and increasing market that would be opened by it to our northern manufactures; and also pointed out the security that would be afforded by obtaining better boundaries than we now have, and thus avoiding collision with foreign powers. He then, in reply to the gentleman from Massachusetts, went into the question as to the power of this Government to admit foreign States into the Union, or to annex foreign territory to it. The gentleman (he said) had taken high ground, and met the question by refusing to argue it, though he required arguments from the friends of the measure. Those who were opposed to the annexation of Texas, seemed to have adopted the plan of raising up objections, of suggesting difficulties, and of keeping the friends of the measure employed in removing them, so that they would be prevented from going into the main question. They had found that the people were against them on that subject, and that they had expressed their will more unequivocally in favor of the annexation of Texas than on any of the issues that were presented for their consideration. They therefore were reluctant to argue the question on its merits, and preferred a discussion on collateral issues.

He agreed with the gentleman from Massachusetts, that, if we annexed Texas to the Union, it must be done consistently with the constitution, and he was satisfied that Congress had the constitutional power to do it. In regard to the power to annex foreign territory to the Union, he had only to call the attention of gentlemen to the fact that, in the articles of the old confederation, there was a proviso that Canada might be admitted into the Union as a matter of right, whenever she asked it, and that any other colony might be admitted with the consent of nine States. What other colonies were alluded to? The old thirteen States were included in the confederacy, and therefore none of them could have been alluded to. But gentlemen said that the colonies of Nova Scotia and New Brunswick, were alluded to, but he would ask if Florida could not have

been admitted under that article. It certainly was the intention of the framers of the confederacy to admit foreign States into the Union if they could get nine States to vote for it. Mr. D. went on to show that after the confederacy, the power of admitting foreign States into the Union was not restricted by the constitution, but enlarged by it. Propositions to restrict the admission of foreign States into the Union were made in the convention which framed the constitution, and were rejected; after which the convention adopted the clause giving Congress the power of admitting new States into the Union. What else did they do? They struck out the proviso requiring the assent of nine States for the admission of new States, and inserted the proviso that Congress might do it. They also voted down the proviso requiring two-thirds, and provided that Congress might do it by the votes of a majority. Mr. D. then referred to the treaties of Louisiana and Florida to show the power of Congress to acquire foreign territory, and to the admission of Louisiana, Missouri, &c., into the Union, to show the power of Congress to admit territory so acquired into the Union as States. Mr. D. then went into an explanation of the powers of Congress to pass such laws as are necessary to carry the powers given by the constitution into effect, drawing a distinction between the grounds of indispensable necessity, as held by the democratic party; and the latitudinarian doctrine of convenience and expediency, as held by their opponents, contending for the constitutionality of the admission of Texas on the former grounds.

• TUESDAY, January 7.

*The Houma Land Claim.*

Mr. C. JOHNSON said he was desirous of presenting to the consideration of the House an occurrence in one of the departments of the Government, since the last session of Congress, which he thought required the immediate action of the House; and if the House would permit him to do so, he would now state the facts as he had heard them, and as he believed to be true, and he would propose a remedy.

["Leave, leave," to do so, was heard from every part of the hall.]

Mr. JOHNSON proceeded. The House would recollect that, at the last session, Congress passed a law authorizing suits to be brought against the United States, by certain Spanish land claimants, by a revival of the act of 1824; that he had opposed the passage of that law, for the reason that there was no ground of claim, in most cases, which those interested then wished to bring before the courts. The bill had, however, been passed, and was now the law. The claimants in one of the cases, instead of prosecuting the claim before the federal courts, under the law, had again presented the case to the Secretary of the Treasury: the

present Secretary had decided in behalf of the claimants, and had ordered patents to issue, and that patents had issued under the order of the Secretary, for some fifty or sixty thousand acres; and that the clerks in the department were now engaged in the preparation of patents for the balance of the land, which he understood would probably exceed three hundred thousand acres, and worth to the Government between one and two millions of dollars; part of which had been sold by the Spanish Government, and patented long after the date of the claim now set up. The United States has sold much of the land, which was now in the possession of a large number of our citizens—he understood one hundred and forty or fifty. The decision of the Secretary, if carried into effect, would involve the Government, as well as the citizens resident on the land, in great trouble, expense, and loss.

Mr. J. said that the decision of the present Secretary had struck him with great surprise. He had occasion to examine this claim, as a member of one of the committees of the House some years ago; and if he did not misrecollect the facts, the claim had been decided against, over and over, by all the officers of the Government, since the purchase of Louisiana. The claim had been rejected originally by Mr. Galatin, the then Secretary of the Treasury, who, he had no doubt, better understood the land laws applicable to Louisiana, than any other man in the nation. The claim had been rejected by all the land officers, so far as he recollected, and also very often by committees of Congress. From the examination which he had made, he entertained not a doubt, that there was not the slightest ground of complaint against the Government; yet, notwithstanding all these decisions, and the law of last session, the present Secretary had taken up the case, decided it at once, and given away property of the Government, worth but little short of two millions of dollars.

Mr. J. said that he had called at the department, and had given a slight examination of the papers, but had not called for them regularly through the House, because he found that a call had been made for them by the Senate, and they would be in a few days upon the tables of members, when proper steps would be proposed for setting aside the decision of the Secretary of the Treasury, and recalling the grants already made; but he thought it necessary, in the mean time, to prevent the further issuance of patents upon that decision; and he therefore proposed a joint resolution, prohibiting the issuance of any more grants upon the decision of the Secretary, until the further order of Congress.

He then sent to the Chair a joint resolution as follows:

Resolution in relation to the issuance of grants of certain lands in Louisiana:

*Resolved by the Senate and House of Representatives in Congress assembled, That the issuance of*



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*The Houma Land Claim.*

[JANUARY, 1845.]

grants or other evidences of title upon a Spanish land claim in the State of Louisiana, lying on the Mississippi above New Orleans, commonly known as the Houma claim, be, and the same are hereby, prohibited, until the further order of Congress in relation thereto.

The resolution was read three times, and passed.

## IN SENATE.

THURSDAY, JANUARY 9.

*The Houma Land Claim.*

The following resolution, introduced by Mr. JOHNSON yesterday, came up for consideration, and was read as follows, viz:

*Resolved,* That the Committee on the Judiciary be instructed to inquire and report whether or not the patents issued by the order of the Secretary of the Treasury in favor of certain claimants under the Houma grant, in the State of Louisiana, were not issued without authority of law, and in violation of the acts of Congress, and contrary to the decisions of the different commissioners of the General Land Office, and of the written opinions of other officers whose duties relate to the General Land Office for the last thirty years; and into the expediency of passing a law declaring the said patents void, or of adopting such other course as may be necessary to protect the rights of the different claimants, and to guard the interests of the United States.

Mr. JOHNSON observed that the petition of 171 inhabitants, residing within the limits of the Houma grant, as surveyed by the claimants, remonstrating against the act of the Secretary of the Treasury in issuing patents in favor of the claimants under the said grant, presented yesterday, contains a pretty correct description of the boundaries of the claim set up under the grant, and of the character of the pretended claim for which the patents in question were issued; and he would, therefore, refer to it as a part of his argument.

The petition represents, that the undersigned inhabitants of the parishes of Ascension and Iberville, State of Louisiana, have recently heard with astonishment, that patents have lately been issued by the present Secretary of the Treasury in favor of the claimants under the Houma land claim, embracing all the lands, except a portion of those claimed by front proprietors on the Mississippi River, from five miles below Donaldsonville, on the left bank of the river, to the river Iberville, a distance of forty miles by the river, and sixteen in a direct line; thence extending down the Iberville, or bayou Manchac, to the river Amit, about twenty miles; thence down the Amit, about forty miles, to the lake Maurepas, and along said lake five or six miles to the lower line of said claim; thence to the Mississippi River, twenty-two and a half miles; being one hundred miles around the claim, and sixty miles on the rear or back line. That the lower line running back crosses two navigable

ivers, to wit: the New River and bayou Conway, forming the river Acadiana, to Little Amit River, each having at low water 8 feet, or more, water in the channel at their mouths, and are navigable many miles up.

The petitioners further represent, that between two and three hundred families are now settled on the lands covered by the patents illegally issued as aforesaid, some of them on Spanish grants confirmed, but the greater number on lands purchased from the United States; and the whole of which have been greatly improved by their labor. That the settlements on these lands are well known to be among the oldest settlements in Louisiana; and that the Spanish Government, subsequent to the date of the Houma grant, made other grants within the limits of this pretended claim, not only on the Mississippi, the Iberville, New River, and the Amit River, but between the Mississippi and the Amit, showing conclusively that the Houma claim did not cover these grants. That the title to the Houma claim is incomplete, not being bounded, surveyed, or defined; and that the extent as now claimed, was never found under the existence of Spanish government. That the said claim has been repeatedly rejected by Congress, and never recognized by the General Land Office until the present Secretary of the Treasury assumed the duties of this office. [See the letter of G. Graham, Commissioner of the General Land Office, of the 17th February, 1829, and the report of the Secretary of the Treasury thereon, Senate document 197, of the 25th Congress.]

The petitioners further represent that the upper line of said grant, as now claimed, runs north 40 degrees west, and strikes the settlement on the Mississippi River, in the bend above, within about 20 acres from the place of beginning; and following said line, passes within half a mile of the Mississippi River, through a great number of sugar and cotton plantations; and if run according to the grant, north 50 degrees west, would strike the Mississippi River in running about sixty acres. That it is a fact which can be established, that the first line was run and thus struck the river, when the claimants went back and took another departure north 40 degrees west.

The petitioners would further represent, that the courts of the United States have decided against the validity of the Houma grant, to the extent claimed, in the case of *Minor vs. Tillotson*. This case was decided in the circuit court of the United States at New Orleans, against the validity of the Houma claim; which decision was confirmed by the Supreme Court of the United States in March, 1844.

Mr. J. observed, that to a certain extent, the Houma claim is unquestionably valid; and in his opinion to a greater extent than has been recognized by the acts of Congress. The original grant is indefinite as to limits; its boundaries being undefined by any special call, and no survey of the entire grant having been made

under the existence of the Spanish Government, a question has arisen as to the quantity of lands actually embraced therein. The claim fronts on the left side of the Mississippi River, and runs back, as surveyed by the claimants since the American Government took possession of the country, to the river *Amit*, opening as described in the petition referred to, and containing 188,716 acres of land.

Congress passed an act in 1805, providing for the appointment of a board of commissioners for the eastern district of the Territory of Orleans, and another board for the western district, requiring that they should examine all land claims within their respective districts presented for the purpose, and report the same to the Secretary of the Treasury, with the evidence taken in support thereof, together with their opinion as to the validity of such claims, to be laid before Congress subject to their determination thereon. In conformity to the provisions of this law, the claimants under the Houma grant presented their claims to the commissioners of the eastern district, with the evidences, &c., of their title. A majority of the board recommended the said claims for confirmation to their full extent; which report was laid before Congress by Mr. Gallatin, the then Secretary of the Treasury, who disapproved the recommendation of the board. Congress, in 1814, passed an act confirming the said claims to the extent of a league square. In Louisiana it is considered that a league square contains 5,416 acres. In Missouri, I believe, they calculate a league to contain 6,002.5 acres. But this difference is a matter of no importance as it regards this discussion.

Since the passage of the act of 1814, confirming these claims to the extent of a league square, the claimants have repeatedly applied to Congress, without effect, praying that their claims might be confirmed, so as to embrace the whole quantity claimed—188,216.69 acres. And for the last thirty years, he thought, they had annually applied to the Commissioner of the General Land Office for patents, embracing 188,216 acres, instead of 5,416, contending that they required no further act of Congress. The Commissioner, and other officers attached to the General Land Office, have repeatedly, within the said period as he was informed, reported against these applications, after having obtained the opinions of different Attorney-Generals of the United States.

When he took his seat in this body last spring, there was then pending before the Senate a bill purporting to provide for the adjudication of certain large claims in Louisiana, which had not been recognized by Congress. So far as this object was provided for, he had no objection to the bill. But it contained a further provision, directing patents to be issued at once in favor of the claimants, under the Houma grant, for the whole of their claim—188,216 acres—without a judicial decision in their favor. Being informed of the character of these claims, and of all the circumstances to which he had re-

ferred, he considered it his duty to oppose this provision of the bill, which, after considerable discussion, was rejected by a large majority of the Senate, leaving the claim to be adjusted under the provisions of the bill which passed, as provided for the adjudication of the other large claims in Louisiana. Independently of the conflicting claims referred to in the petition which has been read, he could see no reason why patents should be directed to be issued in favor of the claimants under this grant in preference to those holding under the *Maison Rouge* claim, which is certainly a very strong one, and under the *Bastrop*, and other claims in Louisiana.

Notwithstanding all these proceedings, and this state of the case, the present Secretary of the Treasury, shortly after he assumed the duties of his office, directed patents to be issued in favor of the claimants under the said Houma grants, for the whole quantity claimed—188,216 acres; and on his (Mr. J.'s) arrival here, at the commencement of the present session of Congress, patents have been actually issued in favor of two of the claimants for 64,700 acres; and an order had been given by the Secretary, directing a patent in favor of the other claimant, as soon as a patent certificate should be produced from New Orleans, (which is now here,) for 123,516 acres. With the view of bringing this question before the Senate as early as practicable, he had offered a resolution some time since, which was adopted, calling on the Secretary of the Treasury for information in regard to the matter; and he addressed him a letter, stating that the question as to the legality of issuing said patents was pending before the Senate, and suggested the propriety of suspending the patent directed to be issued, as before stated, until Congress shall have acted on the subject. Whether it has since been suspended in consequence of his letter, or how long it may yet be suspended, he could not say, for he had had no conversation with the Secretary upon the subject.

The high respect he entertained for the character of the Secretary of the Treasury, and for the office he held, prevented him from characterizing his acts, in directing the patents to be issued, in the cases referred to, as he thought they merited.

He had at first intended referring the resolution to the Committee on Private Land Claims; but as the question now presented was strictly a legal one, arising out of the construction of acts of Congress, he was of opinion that it should go to the Committee on the Judiciary. Should the committee, after an examination of the case, concur in the views which have been presented, they would at once, he hoped, report a bill declaring void the patents which have been thus illegally issued; and prohibit, by joint resolution, or otherwise, the issuing of the other patents directed to be issued by the Secretary of the Treasury in favor of the other claimants.

It was stated here, yesterday, that the last

patent had been issued. It was not so. He had been informed that it was not issued. It is suspended; but how long it will remain so, he did not know. The resolution was one merely of inquiry as to the propriety of annulling the patents. He thought there was no doubt as to the power of Congress to annul the patents if they were issued through fraud or error, or if issued in violation of law. Whilst he was up, he hoped the committee would bear with him for one moment, as the subject was one of moment to individuals, and of great interest to the United States. He then referred to the act of Congress of April, 1814, for the final adjustment of land titles in the State of Louisiana, and showed that no claim exceeding one league square could be confirmed. The law forbade the Commissioner of the General Land Office to confirm any claim reported upon by the board of commissioners exceeding in quantity one league square. The Secretary, in his opinion directing the issuing of those patents, refers to this law, and another act of Congress passed at the same session, and simply says that these claims are confirmed under those laws. Now he would ask whether these claims were confirmed under these two laws. The other act of 1814 is an act concerning certificates. There is nothing in it about the confirmation of claims, but authorizes the issuing of certificates for claims confirmed by the other laws. There was nothing in the law confirming claims, but directing the manner the certificates and surveys should be returned. Every commissioner for thirty years past opposed, and the present commissioner was now opposed to, the issuing of patents for these claims. He thought the commissioner of the General Land Office was to blame, in this instance, for yielding to the Secretary of the Treasury, who had no authority to direct him to issue patents for these claims, which were not confirmed by law. There was no authority for the act, and in any point of view it was a most extraordinary proceeding. The first law to which the Secretary, in his opinion, refers to justify the act, only confirms claims not exceeding a league square, (some 6,000 acres,) and he has directed the issuing a patent for 145,000 acres. The other act to which he here refers does not, as he before said, confirm any claims, or relate to their confirmation but directs surveys to be made, &c. If the Commissioner of the General Land Office was satisfied that the certificates were in conformity to law, and legal surveys, then he directs the patents to be issued, and not the Secretary of the Treasury. Although there was general power in the Secretary to control the commissioner, yet in this case he had not the power, because the law expressly provided, that the commissioner should issue the patents if the claims were confirmed under the law of 1814, referred to.

Mr. DAYTON said he did not intend to consume the time of the Senate in discussing this resolution, because he knew nothing of the

matter. It seemed to him, from the reading of the resolution, that it put a burden on the Judiciary Committee which was not only exceedingly onerous, but a burden which they had no legitimate right to perform. It burdens them with an inquiry as to the legality of certain patents issued by the Government. The duty of issuing these patents belongs to one branch of the Government by the power of law, and whether rightfully or wrongfully, he has thought proper to issue them. We are called on to look into this act, done under authority of law, by another branch of the Government, and to pass a law to render the act invalid. He wished to preclude the question that bound the committee to report in the manner provided by the resolution, and moved the following proviso as an amendment to the resolution, as follows:

*Provided, That the said committee, before the investigation thereof, shall think Congress has the legal right to interfere therewith, in the manner provided, and shall deem it expedient to do so.*

Mr. JOHNSON said he did not object to the proviso, but remarked that the very law which created the office of Secretary of the Treasury, subjected him to the direction of Congress. Do we not, under our resolutions, direct him in many cases? He acts under the instruction of Congress and the laws passed by Congress. He has acted in directing the issuing of these patents, under but two laws of Congress, to which he refers in his opinion. Is there any thing incompatible with the duties of the committee to examine whether there was any thing in those laws to authorize the issuing of these patents; and whether, if used illegally, we have any power to pass a law to set them aside? The Supreme Court has set aside patents in some cases. But here was a law which admitted of the issue of patents for claims confirmed, not exceeding a league square, under which the Secretary of the Treasury has undertaken to issue a patent embracing 189,000 acres—183,000 of which are expressly rejected by the law.

Now, sir, if Congress cannot inquire into the matter, who can? He did not believe that the patents issued in favor of the claimants referred to would, if not cancelled by Congress, impair the rights of those residing on the said claim, as stated in the petition, holding under Spanish grants, or under purchases derived from the United States, but they would subject these claimants to the expense and trouble of law-suits; and had already, as he was informed, alarmed some of them, and induced them to abandon their claims, and receive back from the United States the money they paid for their lands; and he contended that it was the duty of Congress to pass an act annulling the said patents. That as it regards the vacant lands within the limits of the claim for which patents have issued, an act of Congress was absolutely necessary. Without such an act, he would be glad to be informed how the question as to the validity of the patents, so far as regards the vacant lands, could be decided.

He referred to the different acts of Congress, showing that the Secretary of the Treasury had no power to issue the patents; that, on the contrary, the said acts expressly prohibit patents from being issued. He contended, at some length, that Congress had the power to annul the patents thus issued, without legal authority, and contrary to the laws of Congress. He thought the amendment, though he did not object to it, was unnecessary.

Mr. HANNEGAN said he rose to make an explanation at the request of an individual. Happening in the General Land Office this morning on other business, the commissioner, who is a citizen of the State he (Mr. H.) in part represented on that floor, called his attention to the course of the Senate, and requested him, if the thing should be again agitated, and his (the commissioner's) name be brought up in connection with the issuing of these patents, to make an explanation for him. The Commissioners of the General Land Office from the time of Graham, decided against these claimants. That during the last summer, after being solicited, he resisted the issuing of those patents. Subsequently, the secretary took the whole matter out of his hands, and after examination thereof, returned them with an order to issue the patents and refund the money to the original purchasers. The Commissioner of the General Land Office feels that he has no alternative left but to obey the order of his superior. The law only prescribes in ordinary sales of lands, that the commissioner has some control over the issuing of patents. But this is an extraordinary case. In contested pre-emption cases, and other litigated cases, such as this, the decision is made by the Secretary of the Treasury, and not by the Commissioner of the General Land Office. The commissioner is bound to obey his superior. He further stated to me, sir, that two patents were issued, covering 60,000 acres; and as soon as the question was agitated here, he refused to issue the other patents, and arrested the whole concern. He (Mr. H.) knew the commissioner long and intimately, and he knew that there was never to be found a man of more integrity; and if fraud and corruption shall be found to be at the bottom of this matter, his skirts will be clear. He is incapable of an improper transaction.

Mr. JOHNSON said it was very far from his intention to attribute motives to the Commissioner of the General Land Office. So far from it, he entertained the highest opinion of his integrity, but he did say, and would repeat it, that in this particular case he is not under the direction of the Secretary of the Treasury. The law (that of 1814) directs him to do a particular act, and therefore the Secretary of the Treasury could not control him in that act. He presumed the commissioner, in yielding to the secretary, acted under a most pure motive. The commissioner now acts under the construction he (Mr. J.) gave the law. He refuses to obey the order of the secretary, and therefore

gives the same construction to the law. He is convinced that he has the power, and refuses to issue the patents by the order of the Secretary of the Treasury.

Mr. BAGBY said he had no idea of what was right or what wrong in the issuing of these patents; but he felt it to be his duty to express to the Senate his opinion that the whole subject was improperly there, unless Congress had the power to exercise judicial functions, and to pass an act invalidating patents issued by another department of the Government. If he was to understand by the amendment, the expression of an opinion that they had no jurisdiction over the question, he would not oppose it; but if its adoption authorized the committee to settle a judicial question, as involved in this land claim, then the amendment made the resolution itself more objectionable to him. Congress can make rules for the settlement of these land titles; but this was not deliberation about the rules for that purpose, but about the decision under those rules, which involved a judicial question to be settled by another tribunal, and not by Congress. According to the views of the honorable Senator from Louisiana, (Mr. JOHNSON,) there was something wrong done. If we had the power to correct the act of the Secretary of the Treasury in this question, he would ask whether they had not an equal power in all other cases involving illegal decisions under law. If power was exercised such as was called for by the resolution, Congress would become the reservoir in which would be drawn all questions belonging to the jurisdiction of other departments of the Government exclusively. He could not vote for the resolution without the amendment, and then only with the impression that it rendered the resolution inoperative.

Mr. JOHNSON again remarked that the resolution was one merely of inquiry; and contended that in the cases where the land belonged to the United States, and not to individual claimants, it would be impossible to have the patents annulled except by act of Congress, as they could not be carried before a judicial tribunal to have their validity tested.

Mr. MOREHEAD had no objection to the reference of the whole subject to the committee. But he imagined that in an examination of the proceedings of the department, it would be found that there was nothing wrong. He understood, not from the Secretary however, that such was about the state of the question. The decision of the Secretary of the Treasury was founded on a construction of law, which was in his judgment correct, which rendered the certificate given by the board of commissioners conclusive. The courts of justice of Kentucky had never permitted them to go behind the certificates. The conclusion the secretary came to was, that these certificates of the board of commissioners were conclusive, and that he could not go behind them. He (Mr. M.) knew of no State in the United States which held to

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any other construction of law. In all, he believed the certificates were conclusive evidence of title.

Mr. DAYTON said he had certainly, in offering his amendment, no intention of eliciting discussion. He did not anticipate any when he offered it; nor was it his purpose now to enter into a discussion of the merits of the controversy. But the phraseology of the resolution will explain at once what touches the proposed amendment. The resolution reads: "That the Committee on the Judiciary be instructed to inquire, whether or not the patents issued by order of the Secretary of the Treasury, in favor of certain claimants under the Houma grant, were not issued without authority of law, and in violation of the acts of Congress, &c., and into the expediency of passing a law declaring the said patents void." There is in the resolution an imperative instruction to the committee to make the inquiry, whether it be their right to do so or not. He did not wish, by the proviso, to intimate or preclude himself from expressing an opinion that they have any right, but to put in a *protestante* to protect themselves from being placed by the resolution in a position which would, he conceived, compel them to make the inquiry without a legislative right to do so. He did not wish to intimate an opinion in reference to the matter. By the courts it has been decided that legislative bodies have no right to explain laws, but to make, and leave it for the courts to explain them. He did not wish to consume time to discuss the merits of this question. He only asked, for the reasons mentioned, that the proviso be adopted. If after looking fairly into the matter, the committee feel themselves authorized to make the inquiry, they can do so.

Mr. JOHNSON accepted the amendment proposed, and the resolution was adopted.

MONDAY, January 13.

Annexation of Texas.

Mr. FOSTER, of Tennessee, said, by permission of the Senate, he desired to offer to the consideration of that body a resolution on the subject of annexation. And before doing so, he desired further to remark that, in taking the step he was about to adopt, he had not previously taken counsel of, or conversed with, any gentleman on the floor of the Senate. He had studiously avoided all such interviews, he said, not out of any disrespect to the views or wishes of the honorable gentlemen with whom it was his pride to act on most occasions, nor with any sinister intent of embarrassing the great question to which he was about to direct their attention. But he had a duty, he said, to perform—a double duty—a duty to himself, and a duty to that portion of the people of the Union, whose commission he wore; and having deliberately made up his mind, he purposely avoided discussions, as he knew they must result in no change of convictions on his part.

As to himself, individually, he said he did not wish or intend to repress any longer, an open and candid acknowledgment of the anxieties he had always felt on this important subject. These anxieties had their birth with the first intimation of the late unwise and premature agitation of the subject by the American Government. Time and events, instead of soothing, had increased and aggravated the cares he was then confessing; and he doubted not but that many who heard him would take to their own bosoms similar sympathies. The subject of annexation (Mr. F. observed) presented to the decision of Congress a great matter. Its gravity and importance could not be mistaken by any reflecting mind. In his faithful opinion it involved the harmony of the nation, if not its foreign peace; and unless it should be fortunately adjusted—if adjusted at all—it would, in all probability, in some consequences not very remote, lead to a dissolution of the Union. In this painful light he had always contemplated the measure; and he saw nothing in the tone or the temper of the public mind to mitigate or remove his apprehensions. He could not, therefore, in the situation which he occupied, any longer observe that silence which most comported with his feelings and his disposition, and which the Senate would bear him witness was not unnecessarily broken in that assembly.

On the subject of annexation, he had opinions (Mr. F. continued) which were not unknown to his constituents and the public. They had been freely, openly, and repeatedly expressed, here and elsewhere; and with some variations not intended now to be adverted to, they remained unchanged. He favored a union of the two republics, on just and proper principles alone, as he hoped and believed; but, at the same time, he did not wish or intend to conceal the sympathies that mingled with, and no doubt fortified and encouraged, his opinions. Texas, he said, if he had been rightly informed, was indebted to his own noble, gallant, and generous State for a large fraction of her population: he thought, indeed, he would not exaggerate if he should state that fraction at one-tenth of her people, including the descendants of her early settlers. He professed to have a heart, he said, and he hoped it would be always filled with enough of human benevolence to enable him to think kindly of those who had once been his friends and neighbors. These sentiments, however, had not governed or controlled his decision; they did not do so now, if he, happily, understood his own convictions; nor should they induce him, now or hereafter, to consent to any act in the details or the final consummation of this great business, that his best judgment did not honestly approve. Whilst, therefore, he was in favor of annexation, he should not hesitate to avow that he did not then see how he could give his support and consent to the measure, unless the principles and conditions incorporated in the proposi-

tion he was about to submit were fundamental articles in the act of association. Sir, (said Mr. F.) I wish to be distinctly understood. These stipulations must be in that instrument—fixed in their character, imperative hereafter upon Congress and the whole country, and forever inviolate and inflexible.

So much for the substance of things, (Mr. F. continued;) for he did not intend then, he said, to discuss the reasons that influenced his judgment and decision. If this should become necessary, another day and another occasion would better suit the task.

In regard to the form of the act, or, as the lawyers would call it, the "*quo modo*" of annexation, (Mr. F. said,) he was by no means determined. In fact, (he said,) he entertained great doubt, and he wished it to be explicitly understood that he did not intend to commit himself to the particular form he was then about to submit to the Senate. In other words, the paper in his hands contained the terms, but should not bind him to the *forms* of annexation; and he hoped that the discordant opinions of other honorable gentlemen—wiser than he pretended to be, and more practised in such great affairs—would excuse his present indecision. There was, however, on this branch of his subject, one thing he desired to state, and from which he hoped never to deviate. He was, he repeated, a friend to annexation; but he was resolved never to give the policy his support, either by resolution, by law, or by treaty, unless the form in which it was presented to him found its sanction in the broad face of the constitution, and among the precedents which the fathers of the republic had left behind them. In some one of these forms, (he said,) if they could happily agree, he had no doubt they could find a path to travel in, and there he was prepared to walk, if he could be accompanied by the principles he should now submit.

Mr. F. then submitted the following:

Joint Resolutions declaring the terms on which Congress will admit Texas into the Union as a State:

1. *Be it resolved by the Senate and House of Representatives in Congress assembled*, That Congress doth consent that the territory properly included within, and rightfully belonging to the republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved*, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

1. Said State to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the constitution thereof, with the proper evidence of its adoption by the people of said republic of

Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

2. Said State, when admitted into the Union, after ceding to the United States all mines, minerals, salt lakes and springs, and also all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to said republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to, or be due or owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

3. New States, of convenient size, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of such State asking admission may desire.

The joint resolutions were read the second time, and referred to the Committee on Foreign Relations.

#### HOUSE OF REPRESENTATIVES.

MONDAY, JANUARY 18.

#### *Annexation of Texas.*

Mr. MILTON BROWN asked the unanimous consent of the House to introduce a joint resolution on the subject that was now before them; that it take the usual course of twice reading, and be referred to the Committee of the Whole on the state of the Union.

Mr. BRINKERHOFF objected.

Mr. BROWN moved to suspend the rules for this purpose.

The joint resolution of Mr. BROWN was read, as follows:

Joint Resolution declaring the terms on which Congress will admit Texas into the Union as a State.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress doth consent that the territory properly included within and rightly belonging to the republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved*, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

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1. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the constitution thereof, with proper evidence of its adoption by the people of said republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

2. Said State, when admitted into the Union, after ceding to the United States all mines, minerals, salt lakes and springs, and also, all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to, or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of the said republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

3. New States of convenient size, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution. And such States as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into this Union with or without slavery, as the people of each State asking permission, may desire.

The question being taken, was decided in the affirmative without a division.

So the rules were suspended.

Mr. Brown accordingly offered the resolution, and he moved its reference to the Committee of the Whole on the state of the Union.

The question was taken; and the resolution having been read a first and second time, was referred to the Committee of the Whole on the state of the Union.

SATURDAY, January 18.

#### *Election of Clerk.*

Mr. HOPKINS rose and said that, under the 14th rule of the House, they were required to vote in the election of officers in this House, *visa voce*. With reference to the election of clerk, there was perfect unanimity. To avoid delay and trouble, he moved that the 14th rule be suspended, for the purpose of receiving and acting on the resolution which he sent to the Chair.

The resolution was read, as follows:

*Resolved*, That B. B. French be, and he is hereby, appointed Clerk of this House.

The question was taken, and the rules were suspended.

Mr. HOPKINS then offered the resolution.

After a word from Mr. PAYNE, Mr. HOPKINS moved the previous question, which was seconded, and the main question was ordered; and being taken, was decided in the affirmative by a unanimous vote.

Thus B. B. French, Esq., first assistant clerk, and now acting clerk, is the elected clerk of the House of Representatives for the unexpired term of the present Congress.

#### IN SENATE.

MONDAY, January 20.

#### *Missouri on Annexation.*

Mr. BENTON presented the resolutions of the General Assembly of the State of Missouri in favor of the annexation of Texas, and requested that they might be read; which was done accordingly, in the following words:

*Resolved by the General Assembly of the State of Missouri*, 1. That, in the opinion of this General Assembly, the reannexation of Texas to the United States is a great national measure, demanded by a large majority of the people of this State, and that the safety and interests of both Governments require and demand it at the earliest practicable period.

2. That the republic of Texas is a free and independent State; and that she acquired her independence, and her territory, in a manner which left no stain upon the honor of her people.

3. That Texas has given to the world ample and sufficient evidence of her disposition and ability to maintain her independence, and the exalted station she has assumed among the nations of the earth.

4. That the Government of Texas has the indisputable right to transfer, and the Government of the United States the right to accept, the territory of Texas, without the consent of, and without giving any just cause of offence to any other power: *provided*, however, that the boundary line between the annexed territory and Mexico is left open to future negotiation between the United States and Mexico.

5. That, in the opinion of this General Assembly, a great majority of the people of this State prefer that Texas should be annexed to the United States without dividing her territory into slaveholding and non-slaveholding States; but leaving that question to be settled by the people who now, or may hereafter, occupy the territory that may be annexed.

6. That the people of Missouri regarded the annexation of Texas to the United States so essential to the interests of this State, and of the whole United States, that, rather than fall in the consummation of this object, if it cannot be effected in accordance with the principles set forth in the above resolutions, they would *consent* to such reasonable and just compromises, approximating as near as possible to those principles, as may be indispensably necessary to secure the accomplishment of the measure, and preserve the peace and harmony of the Union.

7. That our Senators in Congress be instructed, and our members of the House of Representatives be requested, to use their best exertions in behalf of the annexation of Texas to the United States, in conformity with the wishes of the people of Missouri, as expressed in the above resolutions.

8. That the Secretary of State is hereby required to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

Mr. B. moved that the resolutions be printed, and be referred to the Committee on Foreign Relations; and, before the vote was taken on his motion, he proceeded to make some remarks in favor of the resolutions and of the General Assembly which had passed them. They were drawn, he said, in the proper spirit. The State of Missouri was more deeply interested in the annexation of Texas than any other State in the Union, but was willing to agree to the compromises which the peace and harmony of the Union required. This was patriotic and wise, and worthy of the spirit in which the constitution was formed. It was an example worthy to be followed by other States. It was in conformity to the letter—paternal and immortal it ought to be called—which General Washington addressed to the States, when he presented to them for their acceptance that sacred constitution under which we now live. The Father of his Country then declared that the spirit of compromise had established the constitution—that there could have been none if each State had insisted upon having her own will. Thus the constitution was formed; thus only could it be preserved; and he (Mr. B.) was proud to see the young State of Missouri breathing the spirit which Washington recommended.

#### *Status of Washington.*

Mr. ORITTENDEN submitted the following resolution:

*Resolved by the Senate of the United States, That the Committee on the Library be instructed to inquire into the expediency and propriety of employing Luigi Persico to execute, for the United States, an equestrian statue, in bronze, of George Washington.*

Mr. O. had not half a dozen words to say on this subject; and he could well desire to give it into other and abler hands. Mr. Persico was well known as an artist of great distinction and eminence, and had long been in the service of the United States. He need say nothing of his talents. The object of the resolution was to obtain a statue in bronze of General Washington. The pride and gratitude of this country could never be exhausted in multiplying memorials of this great man—whose name was connected with all that was great in the history of our country. All that remained for us to do was to signalize him as far as we could, in presenting him to the eyes and feelings of the country. These sort of memorials, though silent and inanimate, spoke a language to the American heart, eloquent above all others. It was said of the fabled statue of Memnon, that when the sun's first beams struck it in the morning, music was heard to issue from it. He could say, in a less poetic temper, of this memorial of General Washington, that the eye

of an American citizen could scarcely rest upon it, without deriving inspiration from it, and producing in the heart emotions of gratitude. It was with this sort of feeling upon his own part, that he desired to see all these memorials and remembrances presented to the eyes of our citizens; and it was in this spirit that he offered the resolution.

The resolution was then adopted.

#### TUESDAY, January 21.

The PRESIDENT *pro tem.* laid before the Senate the credentials of the Hon. DANIEL STURGEON, re-elected by the legislature of Pennsylvania a Senator from that State for six years, from the 3d of March next; also the credentials of Hon. JOHN M. CLAYTON, elected by the legislature of Delaware, a Senator from that State for six years, from and after the 3d day of March next; which were severally read, and ordered to be placed upon file.

#### HOUSE OF REPRESENTATIVES.

#### TUESDAY, January 21.

#### *Admitting Texas into the Union—Mr. Boyd's Plan.*

Mr. BOYD presented his resolution, as follows:

Joint Resolution providing for the admission of Texas as a State of the Union.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress doth consent that the territory rightfully included within the limits of Texas be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of Texas, with the consent of the existing Government, upon the following conditions and guarantees; which, when adopted as aforesaid, shall be obligatory as well upon the people of Texas as upon the United States.*

*First.* That said State be formed subject to the adjustment, by the Government of the United States, of all questions of boundary that may arise with other Governments.

*Second.* That the constitution of said State of Texas, with the proper evidence of its adoption by the people thereof, be transmitted to the President of the United States, that the same may be laid before Congress at its next session.

*Third.* Said State, when admitted into the Union, after ceding to the United States all fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to Texas, shall retain all the public funds, debts, taxes, and dues of every kind which belong to, or are due or owing to Texas, and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities



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to become a charge upon the Government of the United States.

*Fourth.* New States, of convenient size, not exceeding three in number, in addition to the State now proposed to be admitted, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission into the Union under the provisions of the federal constitution: *Provided,* That said State or States as may be formed out of that portion of said territory which lies north of thirty-six degrees and thirty minutes of north latitude, shall be subject to the provisions of the eighth section of the act of Congress of the sixth of March, eighteen hundred and twenty, commonly called and known as the Missouri compromise; but such State or States as may be formed out of that portion of said territory which lies south of thirty-six degrees and thirty minutes of north latitude, shall be admitted into the Union with or without the provisions specified in said eighth section, as the people of each State, from the great diversity of soil, climate, and products, may desire.

The committee then rose and reported progress, and Mr. BOYD's resolution was ordered to be printed.

WEDNESDAY, January 22.

*Texas Annexation—Mr. Robinson's Bill.*

Mr. ROBINSON asked leave to introduce a bill to provide for the annexation of Texas to the United States.

Messrs. McCONNELL and PAYNE objected to the reception of the bill.

Mr. DRUMGOOLE hoped the bill would be received, and take the same course as other bills on this subject have taken—viz., to refer it to the Committee of the Whole on the state of the Union.

Mr. PRESTON KING moved a suspension of the rules, for the purpose of receiving and referring this bill.

The bill was read for information, as follows:

A BILL to provide for the annexation of Texas to the United States.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of Texas as may be embraced in an area not exceeding that of the largest State in the Union, and as shall be described in the constitution to be adopted as hereinafter provided, shall, on the adoption of a constitution by the people thereof as a State, in accordance with the Constitution of the United States and of the provisions of this act, and on the transmission of such constitution to the President of the United States, on or before the 4th day of July next, be, and the same is hereby, upon the proclamation thereof, admitted as one of the States of this Union.

SEC. 2. *And be it further enacted,* That such constitution shall contain a provision ceding to the United States the jurisdiction of the residue of the territory of Texas, in which slavery shall not exist, unless Congress shall hereafter so determine by law; and this act of admission shall not be con-

strued to imply any assumption of, or intention on the part of the United States to assume now, or hereafter, the debts, or any portion thereof, of Texas, or to impair the right of said State to the soil of the territory so to be ceded, or the right of the State of Texas to determine whether slavery shall or shall not exist in said State.

SEC. 3. *And be it further enacted,* Until the next apportionment of representatives among the States, the said State of Texas shall be entitled to two Senators and two Representatives in Congress.

Some conversation by several gentlemen took place on a point of order, which resulted in an announcement by

The SPEAKER, that opportunity being given for objections, he heard of none being made until the bill was received and before the House.

The bill accordingly having been read the first time,

Mr. A. STEWART objected to its second reading, or (what is equivalent) moved the rejection of the bill.

Mr. G. DAVIS inquired whether it was in order now, as it seemed they had so much difficulty in annexing Texas to the Union, to move an amendment to some of the propositions before the House, to annex the United States to Texas.

The SPEAKER replied that it would not be in order.

The question being on the rejection of the bill,

Mr. PRESTON KING asked the yeas and nays; which were ordered.

The question then recurring on the rejection of the bill,

Mr. HOUSTON asked if the question of rejection was now presented to the House?

The SPEAKER said it was.

Mr. HOUSTON said he understood the question of rejection to be debatable; and, as the vote he intended to give might present him in a false position, especially as it seemed he would be under the disagreeable necessity of differing with some, if not all, of his colleagues, he hoped the House would indulge him in a very few remarks, giving some of the reasons which induced the vote he expected to give. From the parliamentary law and rules of this House, as exhibited in the responses of the Speaker to the question of the gentleman from Virginia, (Mr. DRUMGOOLE,) it was true that if this bill should be received by the House, it would be open to amendment or reference; and that its course would be to the Committee of the Whole on the state of the Union, where all of the propositions in regard to Texas now are. He wished to be distinctly understood, by friends and foes, that he disapproved of the bill under consideration, in its entire length and breadth. He condemned it in every material feature and provision. As he understood them from the reading of the clerk, the bill seemed to be badly drawn, crude, and incongruous; it required that the lands of Texas should be ceded

to the United States, and yet required Texas to pay her own debts. Was it fair or honorable in us even to submit to that republic such a proposition? Were gentlemen disposed to require something for nothing? He did not wish to be understood as urging the assumption of the debts of Texas; but while he wished her to pay her own debts, he, at the same time, was for leaving her in possession of her lands with which to do it. And equally, yea, more objectionable, were the provisions of that bill on the subject of slavery. He said he never would assent to such provisions. Rather than vote for them, he would abandon Texas itself. It would be idle to pass such a bill. Texas herself would reject it. But it was useless for him to point out the many objections which he held to the bill; that could be better done in committee, where he wanted it to go. He knew that no one in this House, or the country, would consider a vote to receive and refer this bill, as in the least a committal in favor of its provisions, or any of them. It was not a test question, nor could it be made so. Courtesy required that they should receive and refer it.

Mr. PAYNE observed that he had not much to say in regard to this matter. But one thing was very certain; he came to a very different conclusion from his colleague (Mr. Houston) in regard to the proper course for him to pursue, and that from the same reasons which he had urged against this bill. With his colleague, he was opposed to the bill in all its features; and not only was he opposed to it, but he took this occasion to state, any other bill which had similar provisions. He was opposed to this bill on principle, being determined to oppose it now or hereafter, and desiring, at least, to see some expression of the House on this subject, that it might be seen how many members of this House were in favor of the provisions contained in this bill. Therefore, he hoped to see it rejected; and while up, he took the occasion to make a few more remarks on this subject. The other day, when in committee, he was discussing the question of the annexation of Texas; he was about entering upon the consideration of that system of legislation which marked the course of gentlemen here—a system about which, however others here might feel, he was peculiarly sensitive. Why, what were the facts?

Your country, said Mr. P., is divided North and South. There are certain institutions existing in one section which do not exist in the other; and it need not be disguised, and it might as well be stated, that the country might know it, that every system of legislation which has been pursued in the House for years past, has for its object an interference with these institutions. What are the facts? Here is a proposition for extending the area of freedom, and spreading the blessings of our free and glorious institutions over a vast territory; and, instead of meeting it on its merits, involving the extension of our limits, involving the ex-

tension of the principles of civil and religious liberty, and involving the happiness of unborn millions, he saw gentlemen rising in their places and harping on the worn-out theme of slavery. Gentlemen were discussing this great question in reference to the abolition of slavery. That was their object, and it was in vain to disguise it. Looking at this proposition of the gentleman from New York, (Mr. ROBINSON,) and seeing the design that was in it to distract and divide the friends of Texas on the question of slavery, he objected to its introduction, and he should now vote for its rejection. He wished to let the world know, and let the people of the United States know, what was the course of legislation here in regard to this subject. This was an important question; and if Congress continued to legislate as it had heretofore done, it would produce results to this Union which every lover of his country must deprecate.

Mr. SAUNDERS observed that, if this was the only proposition of the kind, it might be made a test question; but it must occur to his friend from Alabama that it could not be made a test question for the reason he had stated. There were many here—and he was one of the number—who were disposed to receive all the propositions that might be made on this subject, that they might be referred to the Committee of the Whole, in order to ascertain whether some of them might not be moulded into a shape to suit a majority of the committee. He should vote against the rejection of this proposition, in order that it might take its chance in Committee of the Whole with the rest. He did not believe that the gentleman who came from the same State that the introducer of this bill did, intended to vote for every proposition in it. He should therefore vote for referring this bill to the Committee of the Whole, and treating it in the same manner as every other proposition that had been presented to the House.

Mr. DROMGOOLE observed, that it was unusual in parliamentary proceedings to make objections to a bill on its second reading, particularly by those friendly to the principles contained in it. It was sometimes the case that the enemies of a bill objected to it on its second reading, with a view of bringing it to a direct vote, and, at this early stage, before it could be moulded into a shape to suit all its friends, produce distraction and division among them, and by this means defeat it. He understood the object of the gentleman from Pennsylvania in making the motion he did was, to bring the House to a direct vote on the bill, and thus distract and divide the friends of the main principle contained in it; and he was therefore astonished that his friend from Alabama should have been willing to play into the hands of his enemies. In voting for the reference of this bill to the Committee of the Whole on the state of the Union, he should by no means commit himself to its support. He should rather suppose that, in voting for the rejection of the bill, he should

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incur the suspicion of being hostile to the principle contained in it. Further, he would consider it discourteous to the gentleman who introduced the measure, to reject it without allowing it the same chance of amendment that had been given to the others. He, therefore, as a friend to the extension of the limits of this Union, and to the extension of the principles of our glorious confederation, would vote against the rejection of this bill as a matter of courtesy to the mover of it. If the question was now on the final passage of the bill, he should vote against it, as it did not accord with his views on the subject; but as a friend to the principle contained in it, he should vote to give the mover an opportunity of putting it in a shape that might prove acceptable to the House. Mr. D. concluded by moving the previous question; but withdrew the motion at the request of

Mr. ANDREW STEWART, who observed that the gentleman from Virginia was right in supposing that his object was to bring the House to a direct vote, and thus defeat the bill. That was his motive, and there was nothing wrong in it. His object was, by bringing the House to a direct vote, to ascertain whether it was the intention of those who advocated the annexation of Texas, to extend the glorious principles of liberty, as the gentleman from Virginia expressed it, or to extend and perpetuate the institution of slavery. He thought that a direct vote would do it, and it was with that view that he made his motion. He could not vote for this bill, though he considered it the most unexceptionable of the propositions that had been offered on this subject. He was opposed to any further compromises of the constitution. The South had already a representation for three-fifths of her slaves; so that a Southern man, with five hundred slaves, would have as many votes as three hundred of the freemen of the North. He was willing to abide by the constitution as it was, but he never would agree to extend the slavery compromise in it to another country. Mr. S. further objected to the annexation of Texas, because he did not believe there was any power in the constitution to incorporate a foreign territory with ours. If John Tyler could purchase Texas, John Tyler could sell the United States to Texas, or to England, or to France. He further contended that territory could not be acquired by an act of Congress; and that the acquisition of territory belonged only to the treaty-making power. He thought this country was not prepared to admit Texas, with the institution of slavery extending over the whole country.

He had no desire to admit Texas to this Union with all her debts; and to bring this House to a direct vote on the questions involved, he had made the motion now pending; and he could not imagine how the gentleman from North Carolina, (Mr. SAUNDERS,) and the gentleman from Alabama, (Mr. PAYNE,) could vote consistently against his motion for the rejection of the bill. He concluded by moving the pre-

vious question, but withdrew the motion at the request of

Mr. SEYMOUR, who said the manner in which the gentleman from Pennsylvania had advocated his motion, rather than that motion itself, had made it necessary that he should say a few words. If the question were on the final passage of the bill introduced, believing as he did that this Congress had no constitutional power, by any legislative action, to acquire foreign territory, he should feel constrained to vote against the bill; but he understood the object of those who would vote against the rejection of this bill to be that it should be read a second time, that it might be referred to the Committee of the Whole on the state of the Union, and there be considered as all other propositions were; and he should not regard the vote now to be given as any expression of opinion on the merits of the bill itself. With these views, he should vote against the rejection of the bill. He thought such a course was due to his colleague who introduced the bill. He did not believe, because this bill might provide for a division of territory in a manner somewhat different from other bills which had been introduced, giving a larger portion of it to freedom than others proposed to do, that it should, on that account, be rejected; and he must say that he was surprised that the gentleman from Pennsylvania, (Mr. STEWART,) coming, as he did, from a free State, should make a motion for the rejection of this bill, without giving to it any consideration. Hoping that the bill would be printed, and that it would be sent to the Committee of the Whole, he should vote against the motion to reject the bill; and, agreeably with his promise, he renewed the previous question, but withdrew the motion at the request of

Mr. POLLOCK, who next obtained the floor, and observed that he sought and obtained the floor, not for the purpose of making an argument to convince the members of that House of the propriety or impropriety of admitting Texas into the Union, but with the sole view of defining his position on this subject, for the information of his constituents. He represented a district in which a majority of the voters were opposed to him in politics. A number of the democratic party, however, had voted for him; and he might, therefore, be called a democratic whig. This Texas question had been ably and fully discussed in his district during the late canvass; and he had frequently, as well as freely and openly, expressed his disapprobation of it. Having been elected after such an expression of his opinions, it was fair to presume that the people of his district were not in favor of the measure. He should, then, vote in accordance with the expressed will of his constituents, in voting against this measure. It had been said that in the late political canvass the question of the acquisition of Texas had been decided in favor of. He would ask when, and where? For

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his part, he would be perfectly willing to submit this question, if it could be done, to the decision of the people.

He went on with some remarks, in which he said he was for the Union, the whole Union; and he was for Texas, whose lone star, he hoped, would grow brighter and brighter. He admired the work of our forefathers, and asked why we should now go in search of foreign alliances? Would it add strength or beauty to the Union? The annexation of Texas forms a new era in the history of our country. They were told the people demanded it. But he asked what reasons were assigned for it? Was it the acquisition of territory? Already we had a vast territory, extending from the Atlantic to the Pacific—from the seas of the north to the Sabine on the south. The wilds of the West alone would provide a home for millions for ages yet to come. He said emphatically, we needed no more territory.

It was said that it was to be done to extend the "area of freedom;" but that had been done, for, on the plains of San Jacinto, Americans arms had won the freedom of Texas, and she had now free institutions. The argument for the extension of the dominion of the Anglo-Saxon race to the boundaries which gentlemen had said were naturally presented between us and the Mexican race, would carry us to the republics of South America, which implored our aid. But he could see no moral obligation for our becoming the champions of freedom for the world. It was urged again as necessary to counteract the designs of England. That country, however, had disavowed the designs attributed to her, and the chairman of the Committee on Foreign Affairs had told them that England would acquiesce in annexation.

Mr. VINTON moved that the House adjourn.

Mr. D. L. SEYMOUR called for the yeas and nays; which were ordered.

The question was then taken, and decided in the affirmative—yeas 48, nays 44. So

The House adjourned.

FRIDAY, January 24.

#### *Chinese Treaty.*

The Speaker laid before the House a communication from the President, as follows, accompanied with an abstract of the treaty lately formed with the Chinese Empire:

WASHINGTON, January 22, 1845.

*To the House of Representatives:*

I communicate herewith an abstract of the treaty between the United States of America and the Chinese Empire, concluded at Wang Hiya on the 3d of July last, and ratified by the Senate on the 10th instant, and which, having also been ratified by the Emperor of China, now awaits only the exchange of ratifications in China; from which it will be seen that the special mission authorized by Congress for

this purpose has fully succeeded in the accomplishment, so far, of the great objects for which it was appointed, and in placing our relations with China on a new footing, eminently favorable to the commerce and other interests of the United States.

In view of the magnitude and importance of our national concerns, actual and prospective, in China, I submit to the consideration of Congress the expediency of providing for the preservation and cultivation of the subsisting relations of amity between the United States and the Chinese Government, either by means of a permanent minister, or commissioner with diplomatic functions, as in the case of certain of the Mahometan States. It appears, by one of the extracts annexed, that the establishment of the British Government in China consists both of a plenipotentiary and also of paid consuls for all the five ports, one of whom has the title and exercises the functions of consul general; and France has also a salaried consul general; and the interests of the United States seems, in like manner, to call for some representative in China of a higher class than an ordinary commercial consulate.

I also submit to the consideration of Congress the expediency of making some special provision by law for the security of the independent and honorable position which the treaty of Wang Hiya confers on citizens of the United States residing or doing business in China. By the twenty-first and twenty-fifth articles of the treaty, (copies of which are subjoined in *extenso*), citizens of the United States in China are wholly exempted, as well in criminal as in civil matters, from the local jurisdiction of the Chinese Government, and made amenable to the laws, and subject to the jurisdiction of the appropriate authorities of the United States alone. Some action on the part of Congress seems desirable, in order to give full effect to these important concessions of the Chinese Government.

JOHN TYLER.

#### *Annexation of Texas—Mr. Adams' Personal Views and Historical Conduct.*

Mr. ADAMS observed that, in the course of his remarks, he should refer to the circumstances appealing personally and peculiarly to himself, which were of such a nature, that it was with extreme reluctance he referred to them at all, and yet which it was impossible for him to rise and speak on this subject without referring to, inasmuch as they affected his character before the country and the world. There was one argument that had been frequently used by members favorable to this measure, which forcibly reminded him of an incident that occurred in the summer of the year 1843, when circumstances of a peculiar nature accidentally led him to an excursion into the western part of New York and the neighboring province of Canada. Some time in the month of July, 1843, it was his fortune to pass, in a fast-going steamer, from Montreal to Quebec. In the course of the evening, the light of the moon falling on the smooth surface of the water through which they glided, he fell in conversation with a young countryman of his, who was a passenger in the same boat. Looking around him, he made the exclamation, "What a magnificent river!" To which

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*Annexation of Texas—Mr. Adams' Personal Views.*

[JANUARY, 1845.]

the young man replied, "Yes: and it must be ours." He then said it would undoubtedly be a very good thing for us to possess it, but for the injunction in the Bible which said: "Thou shalt not covet thy neighbor's goods." "Ay," said the young man, "but nature has given it to us, and we must have it." Now, hearing the arguments that had been used for the annexation of Texas, he was forcibly reminded of the conversation he had in the British steamer; yes, the only unanswerable argument he had heard used for the annexation was, that nature intended it for us, and we must have it. Mr. A. then referred to the argument that Texas was comprehended in the territory ceded by the Louisiana treaty, and therefore the United States were bound by the terms of that treaty to admit them into the Union, contending that Texas was not included in that territory. He also referred to the assertion that he was the first who originated the idea of annexing Texas to the United States, for that, in 1825, during his presidency, he made overtures to Mexico for the acquisition of that territory. He admitted this to be true. He did make overtures to Mexico for the acquisition of Texas; but there was a slight difference between his action on that subject and that now contemplated, which the gentleman from Illinois had overlooked. He had proposed to purchase Texas with the consent of its owner; but the gentleman and his friends proposed now to take it without the owner's consent. There was the same difference between his action and that now contemplated, as there was between purchase and burglary. Further, when he proposed to purchase Texas of Mexico, slavery did not exist there, and he proposed to take it without slavery, which he was willing to do now, with the consent of Mexico.

He had said that he had always been in favor of the acquisition of territory to the United States to the Rio del Norte, provided it could be obtained with the consent of the owners, and provided the laws which existed in 1825 and 1827, which existed when he made the proposition for that territory, existed still, and they could acquire the territory without any claims upon it. Give them that, and he would go for the annexation of Texas to-morrow. Get the consent of the proprietors, and give them the laws of freedom which prevailed throughout the territory, and Mexico—unhappy as she was with her civil war—for there slavery was abolished. Slavery was not in Texas at the time he made the propositions for it in 1825 and 1827.

But slavery having been established in Texas, he considered the propositions which he made null and void, so far as her consent goes, forever. He repeated, then, give them the territory with the consent of the owners—give them the territory without slavery, and he would go to the Rio del Norte to-morrow. He said this to make himself understood; for

his conduct had often been referred to in this debate. He then went on to say that the country alluded to was not conveyed to the United States by the treaty by which we acquired Louisiana. What was ceded by that treaty? In answer to that question, he read an extract from the treaty itself, and said there was nothing about Texas there—not a word. It was Louisiana, and not Texas; and Texas and Louisiana never were exchanged at any time. What was Texas? A Spanish name. Every thing there was Spanish—every settlement of every kind. And it was to Mexico that his proposition was made and refused.

He next asked what were Mr. Jefferson's views in respect to the boundary of Louisiana. He read largely from books to show that Mr. Jefferson looked to the Mississippi as the boundary; and on this point, he spoke at great length; and as he had been spoken of as having sacrificed this territory—indeed one gentleman had said that all the cessions of territory made by this country had been made by citizens of the United States—he went into his own justification. He said he was merely a scribe, a servant, the true responsibility resting on the President of the United States, and he was a Virginian. Who, he asked, had been the means of giving this country the title to Oregon? A citizen of Massachusetts. It was a citizen of Massachusetts that discovered the Columbia River, and he (Mr. ADAMS) had the credit of inserting the clause in the treaty on which our right was based. If it had not been for the attacks which had been made upon him, the fact would have gone with him to the grave. He went into the particular details in relation to this subject, and then returned to the subject of annexation. He said his objection did not exist to the annexation of foreign territory, but to annexation of foreign people.

He supposed that, in the power to make treaties, the power to acquire territory was necessarily included, because the conveyance of territory was one of the most common and ordinary effects of the negotiation of treaties. In all the treaties for the acquisition of territory, it was not the acquisition of territory which constituted the power not within the constitution, it was the bearing on the people of the territory acquired. We could acquire territory; territory was inanimate—it was matter. Man was an immortal soul; man had rights peculiar to himself; and they could not, without his consent, transfer man from one country to another. There was no such power; it could not be conferred. That was his opinion, and he expressed it in the case of the Louisiana treaty. He maintained it then; he conversed particularly with Mr. Madison on the subject. He (Mr. M.) agreed with him on that point. He (Mr. A.) showed Mr. Madison a proposition of amendment of the Constitution of the United States, and a paper, in

order to take the vote of the people of Louisiana on that treaty. When they annexed foreign territory to this country, they dissolved our Union; the Union was dissolved. We might form another; but the people of a nation, the immortal mind, could not form a political union with another people without their own consent. This was his doctrine then; it was his doctrine now; and nothing on earth but the precedent which was settled against him could be adduced against it. If a man had rights, what were they? Were they not to live under the government of his own choice, and to refuse or consent to the terms by which he was made a part of a community to which he did not belong? In the acquisition of territory was included the disposal of human rights. It was not a subject of treaty; or if it was a subject of treaty, it was between the sovereign powers who were the first principals, viz., between the people; and that was what he proposed in the case of Louisiana. If his time allowed him to go through the whole course of the transactions, and show the proposition he made in the Senate of the United States, the propositions which he made to Mr. Madison, and the opinion he (Mr. M.) expressed to him, he could show—

[Mr. ADAMS' hour having nearly expired, Mr. HOLMES moved that he be allowed to continue his remarks; which was agreed to.]

He said he asked no peculiar privilege. If he could not get through, it was his fault; he could, perhaps, give the remainder of his argument to the public in another form.

Resuming, he said he took it for granted that we should hear no more of this argument, that, after Mr. Jefferson's ratifying the treaty of Louisiana, we had no power to transfer it to Spain. In the negotiation by Mr. Pinckney and Mr. Monroe with the Spanish Government, in 1805, immediately after the treaty of Louisiana, Mr. Jefferson said that these claims—the bad and the better—were to be the subject of negotiation with Spain; and they did become the subject of negotiation. There was a long negotiation, and in that negotiation Messrs. Monroe and Pinckney were authorized to settle this question of boundary, as well as other and very great differences between the two countries. The instructions to Mr. Erving in 1816, authorized him to accept a treaty which should fix our boundary at the Sabine. Mr. Jefferson virtually acceded to it in 1805 and 1806. One of the consequences of it was, that the troops of the United States and of Mexico proposed to each other at that time by a military convention, as the soldiers of the two Governments were coming too nearly in contact, and collisions were arising between them, that the troops of the United States should not go beyond the Rio Hondo, and those of Spain should not go beyond the Sabine while the negotiation was going on.

The amendment of Mr. DOUGLAS to the

amendment of Mr. WELLER, which amendment (of Mr. DOUGLAS) is the pending question, in its modified form, is as follows:

Joint Resolution providing for the admission of Texas as a State of the Union.

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress doth consent that the territory rightfully included within the limits of Texas be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of Texas, with the consent of the existing Government, upon the following conditions and guarantees, which, when adopted as aforesaid, shall be obligatory as well upon the people of Texas as upon the United States:

*First.* That said State be formed, subject to the adjustment by the Government of the United States of all questions of boundary that may arise with other Governments.

*Second.* That the constitution of said State of Texas, with the proper evidence of its adoption by the people thereof, be transmitted to the President of the United States, that the same may be laid before Congress at its next session.

*Third.* That Texas shall retain her public lands and other public property, and remain, as at present, responsible for her debts.

*Fourth.* That if, hereafter, with the consent of the legislature of the State now proposed to be admitted, new States be formed within the jurisdiction of said State, said new States shall not exceed three in number, in addition to the said State; and such new States shall be admitted into the Union with or without the institution of slavery, as the people, in each one of said States respectively, may, at the time of their application to Congress for admission, determine.

Mr. DANIELS resumed the floor, and proceeded with his remarks. He alluded, before entering upon the main argument, to the charge made by Mr. OLINGMAN upon the democratic party of the Senate of North Carolina, in admitting one of that party into the Senate of that State on a certificate, and, after it was ascertained to be a forged certificate, they refused to expel him from their body; and he entered into a detailed investigation of the facts of the case, establishing, as he contended, a conclusive refutation of this charge, and an entire vindication of the integrity of the course of the democratic party in the Senate of that State.

Approaching now the subject more immediately under consideration, and including the arguments raised against the annexation under three general heads, he laid down first, the proposition that we had the power under the constitution of admitting Texas by either of the modes submitted to the consideration of the committee. Permit him here to express the regret with which he was obliged to differ from his friend from Virginia, (Mr. DEMING,) whose positions were generally well considered and correct. In this case the gentleman, it seemed to him, had confined him-

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Personal Explanation.

[JANUARY, 1845.]

self to too narrow a construction of the constitution—a construction which was at variance with that held by the party to which, with the gentleman, he belonged, and at variance with the practice of the Government itself.

Mr. A. P. STONE next obtained the floor, and proceeded to argue the question in view of the constitutional power possessed by this Government to annex Texas to this Union. It could be done by the treaty-making power. It could be done under the power to prepare for the common defence of the Union. He also went over other grounds, whereon he based his argument, concluding with the declaration that he had no doubt of its constitutionality. The question in relation to its sectional character, he said, had been first heard from Massachusetts; it had been said it would extend the institution of slavery, but he believed it would operate in a direct contrary manner, and make some of the States free which were now slave States.

Mr. F. H. MORSE next obtained the floor, and addressed the committee in opposition to the measure, contending that the admission of Texas would bring into Congress additional strength in opposition to the protective system; and further, that it would lead to the extension and perpetuation of slavery. He further contended that it would be a robbery of Mexico, for that those who had achieved the independence of Texas were citizens of the United States, and were furnished with aid from this country.

Mr. ELLIS next obtained the floor, and addressed the committee during the allotted hour in earnest support of the general principles of the annexation of Texas, and in exposition of the manifold advantages, in every point of view, which would accrue to our country in all its sections and interests from the consummation of this scheme. He argued (in reply to the objection frequently urged) that the extension of our territory, with the administration of just and equal laws, and the establishment of the principles of free trade, instead of weakening, would vastly strengthen and tend to perpetuate the existence of our republic. There were no objections brought against this scheme, he said, but would be approved by Lord Aberdeen, and responded to by the entire nation of England. He maintained that the verdict of the people at the late election, had been rendered in favor of annexation, and he invoked the assembled representatives of the people to come up, and, with an enlarged national view of the benefits which would result therefrom to our republic throughout all its future existence, carry out that verdict.

Mr. NORRIS spoke in favor of annexation, and Mr. DARRAGH against it.

Mr. STEPHENS next obtained the floor, but gave way for a motion to rise; when the committee rose and reported progress, and

The House adjourned.

SATURDAY, JANUARY 25.

*Personal Explanation.*

Mr. ADAMS rose and asked leave to make a personal explanation.

The SPEAKER said it would not be in order except by general consent.

No objections being made,

Mr. ADAMS proceeded. He read from the account of the general grounds of his remarks as given in the *Intelligencer* this morning, of which the following sentence was a part.

"His general position was that with Texas, free from slavery, and the assent of Mexico obtained, he was ready to vote for annexation to-morrow."

He had used (Mr. A. said) an expression to that purpose, but he did not mean to say that he would vote for annexation under any of the forms of the propositions in this House. He meant to say for the mere ultimate result of the annexation of Texas to the United States—that was to say, for the formation of a social compact and union between the United States and the people of Texas—he would vote for it to-morrow. He said that again; but he did not mean by that to allow that the Congress of the United States had any such power. It was not within the powers of Congress. Congress had the power to admit new States into the Union; but the admission of a State was a totally different thing from the government of a people. The position which he took yesterday (and which he did not know as he should have sufficient time to elucidate thoroughly) was, that the union of two sovereign people, under one Government, could not be performed by any agency but that of the people themselves. He stated that he had taken that ground on the question of the acquisition of Louisiana. He further recapitulated his arguments on this point. That was the cession of a province and the people of a province. He did not believe there was power in the Government to do it; and therefore he did not believe the power of the Congress of the United States to assume the government of the people of Louisiana, under the treaty which had been made, and he voted accordingly. Although he voted for the appropriations required by that treaty, he voted against every act of Congress at that session which went to enforce a government on the people of Louisiana. He believed then, he believed now, that Congress had no such power. He had stated yesterday that there was the constitutional infringement. Here was the fallacy of the argument in the proposition of the gentleman from Illinois, (Mr. DOUGLAS.) Mr. A. supposed that the Congress of the United States had no power whatsoever to act upon the people of Louisiana after they were annexed. But the gentleman did not carry back the question to the point whether the Congress of the United States, or the President of the United States, had power to impose any such

laws on the people of Texas. He maintained that it was a power not delegated to the Congress of the United States, and not at all incident to the power of Congress to admit new States. He said that all the propositions before the committee—every one of them—were unconstitutional. He should vote against every one of them as unconstitutional, because they assumed to act upon the people of Texas in a manner in which Congress had no power.

There were other constitutional objections. The acquisition of territory itself could not be performed by act of Congress, but it must be done by treaty.

Mr. COLLAMER asked and obtained leave to present resolutions of the legislature of Vermont relative to the annexation of Texas; which were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

*Texas Annexation—Mr. Milton Brown's plan.*

Mr. MILTON BROWN submitted the following as an amendment to it: Strike out the amendment of Mr. WELLER to the original resolution, and insert as follows:

Joint Resolution declaring the terms on which Congress will admit Texas into the Union as a State.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress doth consent that the territory properly included within, and rightfully belonging to the republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

SEC. 2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

*First.* Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the constitution thereof, with the proper evidence of its adoption by the people of said republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January one thousand eight hundred and forty-six.

*Second.* Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to, or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts

and liabilities to become a charge upon the Government of the United States.

*Third.* New States, of convenient size, not exceeding four in number in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire.

Mr. DOUGLAS asked the gentleman from Tennessee to accept the following as a modification of his amendment, to come in after the last clause:

And in such States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited.

Mr. M. BROWN accepted the modification.

The question being taken on the amendment or substitute as modified, it was decided in the affirmative, yeas 109, noes 99.

The question was then taken on agreeing to the amendment as amended, and decided in the affirmative, yeas 110, noes 98.

On motion by Mr. M. BROWN,

The committee rose, and reported the resolution as amended to the House.

Mr. CAVE JOHNSON then rose and said: We have so much business pending before Congress, and so short a time left to do it in, that I hope the House will now sanction the previous question, and put an end to this agitating question. I therefore move the previous question.

The question was put on seconding the previous question, and decided in the affirmative, yeas 107, noes 97.

The question, "Shall the main question be now put?" coming up,

Mr. BRINKERHOFF called for the yeas and nays; which were ordered.

Mr. STETSON wished to know if the vote now taken would prevent the taking the yeas and nays on a proposition to restrict slavery in this territory.

The CHAIR said it would not if the proposition should be in order.

The vote was then taken, and the question was decided in the affirmative,—yeas 118, nays 106. So the main question was ordered to be now put.

The SPEAKER announced the next question to be on agreeing to the amendment of the Committee of the Whole.

Mr. JOHN STEWART called for the reading of the joint resolution.

The Clerk read it accordingly.

Mr. VINTON called for the yeas and nays, and they were ordered.

Mr. ELMER rose and said he wished to be



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excused from voting, and for that he would state his reasons. He was favorable—

The SPEAKER interposed, and said the limit to which the gentleman was confined was very narrow.

Mr. ELMER said he merely wished to state that he was in favor of the admission of Texas to this Union, and would be willing to vote for such a proposition if it were brought before the House in a reasonable shape.

The SPEAKER again reminded the gentleman that the limit to which he must confine himself was very narrow.

Mr. ELMER continued. But under the previous question they were cut off from taking the yeas and nays on any amendment. [Loud cries of "order, order."] He wished to be excused, because he was called upon to vote for a proposition which, in another shape, he should be in favor of; but he had no opportunity of taking the sense of the House by yeas and nays on an amendment by which he desired to make a reasonable compromise on the subject of slavery, so as to exclude that institution from a part of the territory. [Loud cries of "order."] He thought this was a sufficient reason for desiring to be excused from voting, but having made that statement, he now withdrew his application. [Laughter.]

Mr. HOUSTON inquired if he could not now move that the gentleman from New Jersey be excused, for he had given a sufficiently cogent reason.

The SPEAKER said that such a motion would not be in order.

The question was then taken by yeas and nays, and resulted as follows:

YEAS.—Messrs. Arrington, Ashe, Atkinson, Bayly, Belser, Bidlack, Edward J. Black, James Black, James A. Black, Blackwell, Bower, Bowlin, Boyd, Brodhead, Aaron V. Brown, Milton Brown, William J. Brown, Burke, Burt, Caldwell, Campbell, Shepherd Cary, Reuben Chapman, Augustus A. Chapman, Chappell, Clinch, Clinton, Cobb, Coles, Cross, Cullom, Daniel, John W. Davis, Dawson, Dean, Dellet, Douglas, Dromgoole, Duncan, Ellis, Farlee, Ficklin, Foster, French, Fuller, Hammett, Haralson, Hays, Henley, Holmes, Hoge, Hopkins, Houston, Hubard, Hubbell, Hughes, Charles J. Ingersoll, Jameson, Cave Johnson, Andrew Johnson, George W. Jones, Andrew Kennedy, Kirkpatrick, Labranche, Leonard, Lucas, Lumpkins, Lyon, Mackay, McOlermand, McConnell, McDowell, McKay, Mathews, Isaac E. Morse, Murphy, Newton, Norris, Owen, Parmenter, Payne, Pettit, Peyton, Emery D. Potter, Pratt, David S. Reid, Relfe, Rhett, Ritter, Roberts, Russell, Saunders, Senter, Thomas H. Seymour, Simons, Simpson, Sildell, John T. Smith, Thomas Smith, Robert Smith, Steenrod, Stephens, John Stewart, Silles, James W. Stone, Alfred P. Stone, Strong, Sykes, Taylor, Thompson, Tibbatts, Tucker, Weller, Wentworth, Woodward, Joseph A. Wright, Yancey, and Yost—118.

NAYS.—Messrs. Abbot, Adams, Anderson, Baker, Barringer, Barnard, Benton, Brengle, Brinkerhoff, Jeremiah Brown, Buffington, Carpenter, Jeremiah E. Cary, Carroll, Catlin, Causin, Chilton, Clingman, Collamer, Cranston, Dana, Darragh, Garrett Davis,

Richard D. Davis, Deberry, Dickey, Dillingham, Dunlap, Elmer, Fish, Florence, Foot, Giddings, Goggin, Willis Green, Byram Green, Grinnell, Grier, Hale, Hannibal Hamlin, Edw. S. Hamlin, Hardin, Harper, Herrick, Hudson, Washington Hunt, James B. Hunt, Joseph R. Ingersoll, Irvin Jenks, Perley B. Johnson, John P. Kennedy, Preston King, Daniel P. King, McCauslen, McClelland, McIlvalne, Marsh, Edward J. Morris, Joseph Morris, Freeman H. Morse, Moseley, Nes, Paterson, Phoenix, Pollock, Elisha R. Potter, Preston, Purdy, Ramsey, Rathbun, Rayner, Reding, Robinson, Rockwell, Rodney, Rogers, St. John, Sample, Schenck, Severance, David L. Seymour, Albert Smith, Caleb B. Smith, Spence, Stetson, Andrew Stewart, Summers, Thomasson, Tilden, Tyler, Vance, Vanmeter, Vinton, Wethered, Wheaton, John White, Benjamin White, Williams, Winthrop, and William Wright—101.

So the amendment of the committee was concurred in.

The SPEAKER stated the next question to be on the engrossment of the bill for a third reading.

Mr. WINTHROP called for the yeas and nays; and they were ordered, and resulted thus—yeas 110, nays 97.

So the joint resolution was ordered to be in engrossed.

The resolution was read a third time by its title.

Mr. STEWART, of Connecticut, called for its reading entire; which was read.

And the question being on its passage,

Mr. JAMESON called for the previous question; which was seconded, and the main question was ordered.

On this question Mr. BRODHEAD asked the yeas and nays, which were ordered; and being taken, resulted—yeas 120, nays 98.

So the joint resolution was passed.

#### IN SENATE.

MONDAY, January 27.

Mr. FOSTER presented the credentials of the Hon. DANIEL S. DICKINSON, elected by the legislature of New York a Senator from that State, to fill the unexpired term of the Hon. Nathaniel P. Tallmadge. He was qualified, and took his seat.

Also, presented the credentials of the Hon. JOHN A. DIX, elected by the legislature of New York a Senator from that State, to fill the unexpired term of the Hon. Silas Wright; which being read, he came forward, and was qualified.

MONDAY, February 8.

*Presidential and Vice Presidential Election—Counting the Electoral Votes.*

On motion by Mr. WALKER, it was

*Resolved*, That a committee of three be appointed to join such committee as may be appointed by the House, to ascertain and report a mode of examining and counting the votes for President and Vice

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Reannexation of Texas.

[28TH CONG.]

President, and of informing the persons elected of their election.

On motion, it was ordered that the Chair appoint the committee; when Messrs. WALKER, WOODBURY, and DAYTON, were announced as the committee on the part of the Senate.

WEDNESDAY, February 5.

*Reannexation of Texas.*

Mr. BENTON remarked, that the Committee on Foreign Relations having reported yesterday upon the subject of annexation, which brought back all the propositions before the Senate, he asked that the bill submitted by him a short time back be taken up, for the purpose of enabling him to withdraw it from the Senate, and to submit another in its place.

The bill was accordingly taken up, when Mr. BENTON, on leave, withdrew it, and submitted the following in lieu thereof, viz:

A BILL to provide for the annexation of Texas to the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a State, to be formed out of the present republic of Texas, with suitable extent and boundaries, and with two representatives in Congress until the next apportionment of representation, shall be admitted into the Union by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Government of Texas and the United States.

*And be it further enacted,* That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession, either by treaty, to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.

The bill having been read—

Mr. BENTON said he would avail himself of the indulgence of the Senate to state the reasons which induced him to offer it. It was a copy, he said, substantially, of the bill which he had previously offered, with the omission of all the terms and conditions which that bill contained. He had been induced to omit all these conditions, because of the difficulty of agreeing upon them, and because it was now clear that whatever bill was passed upon the subject of Texas, the execution of it must devolve upon the new President, who had been just elected by the people with a view to this object. He had confidence in Mr. Polk, and was willing to trust the question of terms and conditions to his untrammelled discretion, certain that he would do the best that he could for the success of the object, the harmony of the Union, and the peace and honor of the country. He had, therefore, withdrawn all the terms and conditions which his previous bill contained, and only retained its cardinal

features, namely, the admission of a Texan State by law, the cession of the remaining Texan territory to the United States, and the adjustment of the terms and conditions of this admission and cession by envoys, or commissioners, subject to the confirmation of the two Governments. This seemed to him to be the natural practicable way of proceeding, and was certainly the most respectful to Texas.

The joint resolution sent up from the House of Representatives was nothing but a *proposal*, and a proposal clogged with conditions, and limited as to time. If it passed both Houses of our Congress it might be rejected by Texas; and then the process of making proposals would have to commence again. Legislative propositions interchanged by two legislative bodies, sitting in two different countries at the distance of near two thousand miles apart, was a slow way of coming to conclusions; and unless some more practicable method was adopted, the annexation of Texas might be looked upon as an event deferred for years. Commissioners, or envoys, to discuss propositions face to face, with a right to give as well as to take—with power to yield as well as to demand—can alone be competent to the successful termination of such a business. He therefore adhered to that part of his former bill which proposed to send ministers to settle the terms of annexation.

The occasion (said Mr. B.) is an extraordinary one, and requires an extraordinary mission. The voluntary union of two independent nations is a rare occurrence, and is worthy to be attended by every circumstance which lends it dignity, promotes its success, and makes it satisfactory. When England and Scotland were united at the commencement of the last century, no less than thirty-one commissioners were employed to agree upon the terms; and the terms they agreed upon received the sanction of the Parliaments of the two kingdoms, and completed a union which had been in vain attempted for one hundred years. Extraordinary missions, nationally constituted, have several times been resorted to in our own country, and always with public approbation, whether successful or not. The first Mr. Adams sent Marshall, Gerry, and Pinckney to the French Directory in 1798: Mr. Jefferson sent Ellsworth, Davis, and Murray to the French Consular Government of 1800: Mr. Madison sent Adams, Bayard, Gallatin, Olney, and Russell to Ghent in 1814. All these missions, and others which might be named, were nationally constituted—composed of eminent citizens taken from each political party, and from different sections of the Union; and, of course, all favorable to the object for which they were employed. An occasion has occurred, which, in my opinion, requires a mission similarly constituted—as numerous as the missions to Paris or to Ghent—and composed of citizens from both political parties, and from the non-slaveholding as well

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as the slaveholding States. Such a commission could hardly fail to be successful, not merely in agreeing upon the terms of the union, but in agreeing upon terms which would be satisfactory to the people and the Governments of the two countries. And here, to avoid misapprehension, and the appearance of disrespect where the contrary is felt, I would say that the gentleman now in Texas as the chargé of the United States, is, in my opinion, eminently fit and proper to be one of the envoys extraordinary and ministers plenipotentiary, which my bill contemplates.

The bill which I now propose (said Mr. B.) is brief and plain, but comprehensive and effectual. It proposes to admit one Texan State—to obtain a cession of the remaining Texan territory—and to settle the terms and conditions of the admission and cession by the usual and practicable mode of negotiation.

The admission of the State, or rather its right to admission, is to be complete under the bill. It is to be admitted by virtue of the act so that no future legislation will be necessary for that purpose, and the possibility of a Missouri controversy will be entirely avoided. The admitted State is to have all the rights of the existing States from the moment of her admission, not only theoretically, but practically; for the bill fixes her representation in the federal Congress, and avoids all delay or debate upon that point. It says nothing about Senators, for there the constitution alone is sufficient: it both gives the right to Senators, and fixes the number. To Representatives it gives the right, but leaves it to Congress to fix the number. This bill fixes it, and gives to the first Texan State two members—a number to which her present population will entitle her, and which will be sensibly increased before the process of admission can be accomplished, and doubled or trebled before the new apportionment under the census of 1850 can be extended to her.

A State of proper size being formed, the cession of the remaining Texan territory to the United States becomes indispensable; and here the joint resolution from the House of Representatives is essentially defective. It admits the whole republic of Texas as one State, and provides no means of reducing her limits without her consent. In fact, when once admitted as a State, she never can be reduced without her consent: the Constitution of the United States forbids it; and the equilibrium of our system will not admit of such overpowering preponderance in any one member of the Union. This is not a new point in our history: it has occurred before, and has been decided. The early history of our confederacy is full of instruction upon it. Many of the States, at the close of the revolution, were found to be too large for the safety of the rest, and the most persevering efforts were made to reduce them. As early as 1780, they were called upon by the continental Congress to

reduce their limits, and cede their surplus territory. Some yielded readily from feelings of harmony and conciliation—those feelings being rather stronger then than they are now. Virginia ceded gratuitously all her territory beyond the Ohio River. Connecticut did not cede for twenty years, and then got two and a half millions for her small claim on the shores of Lake Erie. Georgia held out until 1802, and then got a million and a quarter in money, five millions of acres of land scrip, and an obligation to extinguish Indian titles and remove Indians, which has cost tens of millions, for the territory alone which forms the single State of Mississippi. It required the most persevering exertions, as we all know, aided by the kindly spirit which then prevailed, and the overpowering necessity to provide for the revolutionary debt, to obtain from the great States the contraction of their limits, and the cession of their surplus territory to the Union. Our ancestors accomplished the work, and they took care, as they fully believed, to guard against the like danger in all time to come. They took care, at once, and in the very acts of cession, to fix the number and extent of the new States, making them of proper number and size, so that the danger of overshadowing States to predominate in the House of Representatives, or of small ones, to rule in the Senate, was equally avoided. This was wise: it was a necessary precaution against future dangers and difficulties. And shall such an example be lost upon us? Shall we voluntarily throw ourselves back into a condition far worse than that from which our fathers, with so much care, wisdom, patriotism, and even money, succeeded in extricating us? Texas is far larger than the North-western Territory; yet our ancestors would not risk the danger of a single State here, nor even of a multitude of small ones: they wisely fixed the number of the whole, and the extent of each, so as to avoid the danger of both extremes.

Gentlemen suppose that Texas will voluntarily reduce herself: it is a supposition contrary to all human experience. But suppose she does; what then? Consequences immediately result which it is impossible to encounter. By the joint resolution Texas is to keep her lands and pay her own debts. These lands would lie without the limits of the reduced State, and are covered by Indian tribes. To pay her own debts out of these lands would, therefore, involve the administration of a land system in a different State, or in a territory belonging to the United States. It would also involve the management of Indian affairs in the State or Territory where Indian tribes held the lands. All this would be impossible. Nobody could think of such a thing. State quarrels, Indian wars, distraction and confusion, and the involvement of the United States in all the difficulties that would ensue, would be the inevitable consequences of such protrusion of State authority into another State,

or into a territory, and among the Indian tribes. Reduction of limits would be about as calamitous as retention of limits; it would be for Texas to decide which calamity she would inflict; for the United States would not even have the poor privilege of choosing between them. All would be at the option of Texas.

I say this upon the assumption that Texas would accept our proposal, and come into the Union upon the terms of the joint resolution: but I have no idea that she would do any such thing, except for the purpose of prescribing her own terms as the price of reducing her limits and relinquishing her claims to her remaining territory. By the terms of the resolution she is to surrender her custom-houses—her main source for money—and pay her debts out of lands which are in the hands of the formidable Comanches, and other savage Indians, and which will cost their value in money, and more than their value in blood, to obtain from these Indians. She never can accept annexation on such terms, except to make her own terms afterwards for the reduction of her limits and the cession of her remaining territory; and that is the precise reason why the United States should settle these terms beforehand.

I do not dwell upon other objectionable features in the joint resolution; but it is impossible to overlook the defect in relation to naturalization. We may be willing to receive the people of Texas as aliens, living within one of our States, and trust ourselves to naturalize them hereafter; but in a matter so essential to their rights and honor, they may wish it settled beforehand. The joint resolution is silent upon this point: commissioners, under the plan I propose, can settle it; and without a settlement of that point, or power to settle it, I should deem it useless to send our proposals to Texas.

In withdrawing from my bill the terms and conditions which had been proposed as a basis of negotiation, I do not withdraw them from the consideration of those who may direct the negotiation. I expect them to be considered, and, as far as judged proper, to be acted on. The compromise principle between slave and non-slaveholding territory is sanctioned by the vote of the House of Representatives, and by the general voice of the country. In withdrawing it from the bill, I do not withdraw it from the consideration of the President: I only leave him free and untrammelled to do the best he can for the harmony of the Union on a delicate and embarrassing point.

The assent of Mexico to the annexation is judged to be unnecessary, but no one judges her assent to a new boundary line to be unnecessary: no one judges it unnecessary to preserve her commerce and good will; and, therefore, every consideration of self-interest and national policy requires a fair effort to be made to settle this boundary and to preserve this trade and friendship; and I shall consider all

this as remaining just as fully in the mind of the President as if submitted to him in a bill.

The bill which I now offer is the same which I have presented heretofore, divested of its conditions, and committing the subject to the discretion of the President to accomplish the object in the best way that he can, and either negotiate a treaty to be submitted to the Senate, or to agree upon articles of union to be submitted to the two Houses of Congress. I deem this the best way of proceeding, under every aspect. It is the safest way, for it will settle all questions beforehand, and leave no nest-eggs to hatch future disputes. It is the most speedy way; for commissioners, conferring face to face, will come to conclusions much sooner than two deliberative bodies, sitting in two different countries, at near two thousand miles apart, and interchanging categorical propositions in the shape of law. It is the most satisfactory way; for whatever such a commission should agree upon, would stand the best chance to be satisfactory to all parts of the Union. It is the most respectful way to Texas, and the mode for which she has shown a decided preference. She has twice sent envoys extraordinary and ministers plenipotentiary here, to treat with us; and the actual President, Mr. Jones, has authentically declared his willingness to engage in further negotiations. Ministers sent to confer and agree—to consult and to harmonize—is much more respectful than the transmission, by mail or messenger, of an inflexible proposition, in the shape of law, to be accepted or rejected in the precise words in which we send it. In every point of view, the mode which I propose, seems to me to be the best; and as its execution will devolve upon a President just elected by the people, with a view to this subject, I have no hesitation in trusting it to him, armed with full power, and untrammelled with terms and conditions.

Mr. BERRIEN moved to refer the bill to the Committee on Foreign Relations; but the motion was refused, and the bill took its place on the calendar.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 7.

#### *Votes for President and Vice President.*

Mr. BURKE made the following report from the committee appointed to ascertain and report a mode of examining the votes for President and Vice President of the United States:

The committee on the part of the House of Representatives, appointed to join such committee as might be appointed on the part of the Senate to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of informing the persons elected of their election, report—

That the joint committee, in part execution of the duties with which they were charged by the two Houses of Congress, have agreed to the follow-

2D Sess.]

*Counting the Votes for President and Vice President of the United States.* [FEBRUARY, 1845.]

ing resolution; in which resolution their committee recommend the House to concur:

*Resolved*, That the two Houses will assemble in the chamber of the House of Representatives on Wednesday, the 12th day of February, 1845, at 12 o'clock; that one person be appointed teller on the part of the Senate, and two persons be appointed tellers on the part of the House, to make a list of the votes for President and Vice President of the United States, as they shall be declared; that the result be delivered to the President of the Senate, who will announce to the two Houses, assembled as aforesaid, the state of the vote, and the person or persons elected, if it shall appear that a choice hath been made agreeably to the Constitution of the United States; which annunciation shall be deemed a sufficient declaration of the person or persons elected; and that the said proceedings, together with a list of the votes, be entered on the journals of the two Houses.

Mr. B. said as the Joint Committee had reported a similar resolution to the Senate, which would probably be adopted by that body, he moved that it be printed, and laid on the table until the resolution was received from the Senate.

The motion was agreed to.

WEDNESDAY, February 12.

*Counting the Votes for President and Vice President of the United States.*

Mr. BRODHEAD said that the hour having arrived which was set apart by a joint resolution of the two Houses, for counting the votes for the electors for President and Vice President, he begged leave to offer the usual resolution. Mr. B. then offered a resolution that a message be sent to the Senate, to inform that body that the House was now ready to receive them, and proceed to the opening of the certificates and counting the votes given by the electoral colleges. The resolution having been agreed to, a message was accordingly sent to the Senate by B. B. French, Esq., the clerk of the House.

The Senate soon after entered the hall of the House of Representatives, two abreast, preceded by their Sergeant-at-Arms, who was succeeded by their President, the Hon. WILLIAM P. MANGUM, and Secretary, Ashury Dickins, Esq. The Senators took seats prepared for them in the central area of the House, and the President of the Senate took the chair of the Speaker, (the Hon. JOHN W. JONES,) the last-named officer being seated on his left. The tellers (the Hon. ROBERT J. WALKER, of the Senate, and the Hon. EDMUND BURKE and the Hon. JOHN P. KENNEDY, of the House of Representatives) took their seats at the Clerk's desk, assisted by the Secretary of the Senate, and B. B. French, Esq., the Clerk of the House. L. Machin, Esq., principal clerk of the Senate, and D. Gold, Esq., principal clerk in the office of the clerk of the House of Representatives, acted as recording clerks, being seated in front of the

clerk's desk at a table prepared for their use in the central area.

The galleries were densely crowded in every part, a large number of the auditors being ladies.

The PRESIDENT of the Senate rose when the members of the House and the Senators were all seated, and stated the object of their thus assembling to be to count the votes cast by the electors of the respective States of this Union for President and Vice President of the United States; and handing to Mr. WALKER (one of the tellers) a sealed packet, he said, "I deliver to the gentlemen tellers the votes of the electors of the State of Maine for President and Vice President of the United States, in order that they may be counted."

Mr. WALKER received the packet; and having broken the seals, the tellers examined the votes, which were announced to be nine in number, all of which were given for James K. Polk, of Tennessee, as President of the United States. The same number of votes for the Vice President were given for George M. Dallas, of Pennsylvania.

The PRESIDENT next delivered to the tellers the votes of the electors of New Hampshire, and of all the other States of the Union in succession in the same manner, and they were examined by the tellers, and the result was announced with the same formalities.

The final result stood thus:

Number of Electors appointed in each State.	STATES.	For President.		For V. President.	
		James K. Polk.	Henry Clay.	George M. Dallas.	Theodore Frelinghuysen.
9	Maine . . . . .	9	-	9	-
6	New Hampshire . . . . .	6	-	6	-
12	Massachusetts . . . . .	-	12	-	12
4	Rhode Island . . . . .	-	4	-	4
4	Connecticut . . . . .	-	4	-	4
6	Vermont . . . . .	-	6	-	6
36	New York . . . . .	36	-	36	-
7	New Jersey . . . . .	-	7	-	7
26	Pennsylvania . . . . .	26	-	26	-
3	Delaware . . . . .	-	3	-	3
8	Maryland . . . . .	-	8	-	8
17	Virginia . . . . .	17	-	17	-
11	North Carolina . . . . .	-	11	-	11
9	South Carolina . . . . .	-	9	-	9
10	Georgia . . . . .	10	-	10	-
12	Kentucky . . . . .	-	12	-	12
18	Tennessee . . . . .	-	18	-	18
28	Ohio . . . . .	-	28	-	28
6	Louisiana . . . . .	6	-	6	-
6	Mississippi . . . . .	6	-	6	-
12	Indiana . . . . .	12	-	12	-
9	Illinois . . . . .	9	-	9	-
9	Alabama . . . . .	9	-	9	-
7	Missouri . . . . .	7	-	7	-
8	Arkansas . . . . .	8	-	8	-
5	Michigan . . . . .	5	-	5	-
275		170	105	170	105

MR. WALKER presented the returns of the tellers to

The President of the Senate, who rose, and said that the whole number of votes given was 275, of which a majority was 138. But James K. Polk, of Tennessee, had received 170 votes cast for the President of the United States, and Henry Clay, of Kentucky, 105; and George M. Dallas, of Pennsylvania, had received 170 votes cast for Vice President of the United States, and Theodore Frelinghuysen, of New York, had received 105. He then added: "I do, therefore, declare that James K. Polk, of Tennessee, having a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing on the 4th day of March, 1845; and that George M. Dallas, of Pennsylvania, having a majority of electoral votes, is duly elected Vice President of the United States for four years, commencing on the 4th day of March, 1845."

He afterwards stated that the business for which the two Houses had been convened having been accomplished, the Senate would return to its chamber.

The House accordingly rose, the Speaker resumed the chair, and they remained standing until the Senators had retired in the order in which they entered the House of Representatives.

MR. McCONNELL moved that the House adjourn; but withdrew the motion at the request of MR. BURKE.

#### *Notification of the President Elect of his Election.*

MR. BURKE, on leave, made the following report:

The committee on the part of the House of Representatives, appointed to join such committee as might be appointed on the part of the Senate, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of informing the persons elected of their election, report—

That the joint committee, in further execution of the duties with which they were charged by the two Houses of Congress, have agreed to the following resolution, in which resolution the committee recommend to the House to concur:

*Resolved*, That a committee of two members of the House be appointed by that body to join a committee of one member of the Senate, to be appointed by that body, to wait on JAMES K. POLK, of Tennessee, and inform him that he has been duly elected President of the United States for four years commencing with the fourth day of March, eighteen hundred and forty-five; and also to wait on GEORGE M. DALLAS, of Pennsylvania, and inform him that he has been duly elected Vice President of the United States for four years commencing with the fourth day of March, eighteen hundred and forty-five.

On motion of MR. BURKE, the question being taken, the resolution was unanimously agreed to.

On motion of MR. McCONNELL, the House then adjourned.

#### IN SENATE.

THURSDAY, February 13.

#### *Reannexation of Texas.*

MR. ASHLEY asked and obtained leave to introduce a joint resolution for the admission of Texas into the Union; which was read, and ordered to a second reading, and to be printed, as follows, viz:

*Resolved*, That the republic of Texas, by the name and style of the "State of Texas," be received and admitted into this Union upon the same footing with the original States in all respects whatever, on the people of said republic, met in convention called by the duly constituted authorities thereof, consenting to the following terms and conditions:

1. That the existing constitution of said republic be so modified as that it shall conform to the Constitution of the United States, and be so amended as to provide that the territory of Texas may be divided into new States not exceeding five in number, to be received and admitted into this Union, in conformity to the provisions of the Constitution of the United States, upon the same footing with the original States.

2. That the United States be authorized to adjust and settle all questions of boundary which may arise with other Governments.

3. That all fortifications, barracks, navy and navy-yards, docks, magazines, arms, and accoutrements, all mines, minerals, salt lakes and springs, all public edifices, except the capitol, court-houses, jails, and other buildings adapted to State, county, and other local purposes, and all other property and means appertaining to the public defence, belonging to said republic, not including the public funds, debts, taxes, and dues of every description, be ceded to the United States.

4. That all the public lands within the limits of said republic be pledged to the payment of its debts, and transferred to the United States in trust, to be sold and disposed of in the same manner as the public lands of the United States; and the proceeds thereof be applied to the payment of said debts, after deducting the expense incident to the management and sale thereof; and after the final discharge of the whole amount of said debt, the residue thereof shall be annually paid to the State of Texas, unless other States shall be formed within her limits; in such case it shall be apportioned and paid respectively in proportion to their representation in Congress: *Provided*, That in no event shall said debt be assumed by or become a charge upon the United States.

5. That a commission of four shall be appointed—two by the United States and two by the State of Texas—whose duty it shall be to ascertain the debts of Texas; and there shall be paid an annual salary of three thousand dollars to each of the said commissioners, in lieu of all other compensation whatever; which, with all other expenses incidental to said commission, shall be paid out of the proceeds of the lands; that the United States shall prescribe such rules and regulations for the government of the commissioners, and for the convenient and prompt payment of said debts, as may be necessary; it being understood that Texas may designate such debts as she may desire to be first paid, not exceeding the sum of five hundred thousand dollars.

2d Sess.]

Annexation of Texas.

[FEBRUARY, 1844.]

FRIDAY, February 14.

*Oregon Bill.*

The bill to organize a government for the Oregon Territory, and for other purposes, came up in order for consideration as in Committee of the Whole.

Mr. AROCHER said he had no doubt when the Senate entered into the consideration of this bill it would be much discussed. He supposed it was not in the contemplation of the chairman of the Select Committee, who had charge of this bill, to enter into its consideration then. He therefore moved to lay it upon the table: agreed to.

*Annexation of Texas.*

On motion by Mr. AROCHER, the Senate resumed the consideration of the proposition to postpone indefinitely the resolution of the House of Representatives for annexing Texas to the United States.

Mr. BUCHANAN, who was entitled to the floor, made a most powerful argument showing the constitutionality and expediency of admitting Texas, by joint resolution, into the union of the States. When he concluded—

Mr. RIVES obtained the floor, at whose instance the subject was passed over informally till to-morrow.

*Iowa and Florida.*

A message was received from the House, accompanied by the act for the admission of the States of Iowa and Florida into the Union; which were read twice, with the view of commitment.

Mr. WALKER remarked that it was so near the close of the session, that it was necessary that this act should have the prompt and speedy action of some committee. He, therefore, in order to facilitate the matter, and with the hope of having the act passed this session, moved its reference to a Select Committee.

Mr. HUNTINGTON moved that it be referred to the Judiciary Committee.

Mr. SEVIER moved that it be referred to the Territorial Committee, if it be not referred to a Select Committee.

The question being put on the motion to refer to the Judiciary Committee—

Mr. WALKER demanded the yeas and nays; which were ordered, and, being taken, resulted as follows:

YEAS.—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Foster, Francis, Huntington, Jarnagin, Johnson, Mangum, Merrick, Miller, Morehead, Porter, Rives, Simmons, Upham, and Woodbridge—24.

NAYS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Buchanan, Dickinson, Dix, Fairchild, Hannegan, Huger, Lewis, McDuffie, Miles, Semple, Sevier, Sturgeon, Tappan, Walker, White, and Woodbury—23.

So the bill was referred to the Judiciary Committee.

On motion of Mr. BREWER, the Senate proceeded to the consideration of executive business; and, after some time spent therein, Adjourned.

SATURDAY, February 15.

*President and Vice President Elect.*

Mr. WALKER, from the Joint Committee of the two Houses appointed to wait upon JAMES K. POLK, and inform him of his election as President of the United States, and GEORGE M. DALLAS, and inform him of his election as Vice President, reported that the committee had discharged their duty, and that he had been directed to say to the Senate that the President elect, in signifying his acceptance of the office to which he had been chosen by the people, expressed his deep sense of gratitude to them for the confidence they had reposed in him, and requested us to convey to our respective Houses assurances that, in executing the responsible duties which would devolve on him, it would be his anxious desire to maintain the honor and promote the welfare of his country; and that the Vice President elect, in signifying his acceptance of the office to which he had been chosen by the people, expressed his profound gratitude to them, and declared that, drawn unexpectedly by the generous suffrages of his fellow-citizens from the shades of private life into the full glare of official station, it was difficult to repress the solicitude that he might not be equal to the exigencies of so sudden a change; but that, swayed by an ardent devotion to the high honor, true interests, and fast union of the American States, he would enter with zeal upon the duties assigned to him, in the hope of at least partially realizing the expectations of those by whose confidence he had been honored.

*Annexation of Texas.*

On motion by Mr. AROCHER, the Senate resumed the consideration of the joint resolution from the House of Representatives for admitting Texas into the Union; the question being on its indefinite postponement.

Mr. RIVES being entitled to the floor, rose and addressed the Senate for upwards of three hours. He said he presumed it was not unknown to the Senate or the country, that he was not opposed to the annexation of Texas, whenever it could be accomplished in a manner consistent with the principles of the constitution, and without disturbing the various interests and the external peace of the Union. In much of what the Senator from Pennsylvania (Mr. BUCHANAN) had said yesterday, in relation to the advantages of the measure, he concurred; particularly with regard to the benefits which would result to the Northern as well as to the Western and Southern States. But he differed widely from the views of that Senator as to the power of Congress to annex foreign terri-

tory under the authority of the fourth article of the constitution.

The main part of Mr. R.'s speech was directed against the interpretation of that article which had induced the House of Representatives to pass the joint resolution under consideration. His argument was chiefly in reply to Mr. BUCHANAN. He went extensively into the history and minute particulars of the controversy, touching the third section of the fourth article in the convention which framed the constitution; and deduced from the debates on that occasion, and from the concurrent evidence of contemporaneous writings, that the words "new States may be admitted by the Congress into the Union," were exclusively confined to new States arising out of the territory of the United States; and never were intended to be applicable to new States formed out of foreign territory. He therefore confined the right of acquiring or admitting foreign territory to the treaty-making power. Territory thus acquired might subsequently be admitted by Congress as one or more new States; which would be in strict analogy with the admission of the additional States of the Union since the adoption of the constitution. The territory acquired by the purchase of Louisiana, after the ratification of the treaty, belonged to the United States; hence new States formed out of it were States arising out of the territory of the United States; and they were not, as this joint resolution would make the acquisition of Texas, new States formed of foreign territory. Mr. R. fully concurred with those who took the ground that, by the treaty-making power alone, could Texas be admitted into the Union. He denied that the concurrence of two-thirds of the Senate to a treaty properly negotiated, and satisfactorily adjusted upon fair and honorable terms to both countries, was hopeless. He saw no reason why the growing influence of public sentiment in favor of annexation should not have the same weight as in the cases of Louisiana and Florida, the treaties for the acquisition of which the Senate had ratified by very large majorities.

He denounced, in the most forcible terms, the doctrine to which the expansion of the power of Congress to admit new States into the Union would lead, if applied to foreign territory. It would, in effect, he contended, be giving to a naked majority in one House of Congress, and to a minority of States in the other, a power more momentous, and of immensely more importance, than the treaty-making power, which requires the concurrence of two-thirds of the Senate for its consummation, or the power of altering or amending the constitution, which requires the concurrence of the legislatures of three-fourths of the United States,—the power of annexing to the Union foreign nations, with their population, citizenship, and influence in controlling the institutions of the Union. He looked upon the control which two-thirds of the Senate had over the

treaty-making power as the greatest safeguard which the South had against the more powerful interests of the Union, and dwelt largely upon the vital importance of preserving its conservative principle from encroachment.

Mr. WOODBURY obtained the floor for Monday.

On motion by Mr. CHOATE,  
The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, February 15. \*

#### *Acceptance of Office of the President and Vice President Elect.*

Mr. BURKE made the following report:

The joint committee appointed by the Senate and House of Representatives to wait upon and inform the Hon. JAMES K. POLK, of Tennessee, of his election to the office of President of the United States, for the term of four years from and after the 3d day of March, 1845; and also to wait upon and inform the Hon. GEORGE M. DALLAS, of Pennsylvania, of his election to the office of Vice President of the United States for the same term, report:

That they have attended to the duty assigned them; and that

The President elect, in signifying his acceptance of the office to which he has been chosen by the people, expressed his deep sense of gratitude to them for the confidence which they had reposed in him, and requested us to convey to our respective Houses of Congress assurances that, in executing the responsible duties which would devolve upon him, it would be his anxious desire to maintain the honor and promote the welfare of his country. And that

The Vice President elect, in signifying his acceptance of the office to which he had been chosen by the people, expressed his profound gratitude to them, and declared that, drawn unexpectedly by the generous suffrages of his fellow-citizens from the shades of private life into the full glare of official station, it was difficult to repress the solicitude that he might not be equal to the exigencies of so sudden a change; but that, swayed by an ardent devotion to the high honor, true interest, and fast union of the American States, he would enter with zeal upon the duties assigned to him, in the hope of at least partially realizing the expectations of those by whose confidence he had been honored.

On motion of Mr. BURKE,

Ordered, That the report be entered at large on the journal of the House, and that it be printed.

#### IN SENATE.

MONDAY, February 17.

#### *Annexation of Texas.*

On motion of Mr. AROHER, the Senate resumed the consideration of the joint resolution from the House for the admission of the State of Texas into the Union—the question pending being the motion of Mr. AROHER for its indefinite postponement.



2D SESS.]

*Annexation of Texas.*

[FEBRUARY, 1845.]

Mr. WOODBURY, being entitled to the floor, addressed the Senate for about two hours.

He said he regretted extremely that, under existing circumstances, the resolution before the Senate had been opposed with such earnestness by the report from the Committee on Foreign Relations, and also by the two able speeches of the Senators from Kentucky and Virginia, (Messrs. MOREHEAD and RIVES.) This feeling of opposition arose, in a great measure, in relation to the mode of annexation adopted by the other House as to this great national question; but it was not his purpose to impugn the motives of those who differed from him in opinion; he should only deal with their arguments. That this resolution had passed by a decided majority in the other House, after there had been a virtual appeal to the people of this country in relation to the subject-matter of the resolution, and after those who came fresh from the people had decided upon the propriety of adopting it; that it is assailed, under these circumstances, as not merely unconstitutional, but inexpedient,—was, he confessed, a circumstance well calculated to create surprise. Let him not be misunderstood by any gentleman on the other side in what he now said as admitting that he, (Mr. W.,) or any with whom he was associated, if it should be proved that this measure was unconstitutional or inexpedient, stood here to carry out this measure, in the language of those two Senators who had lately addressed the Senate, as a high-handed measure of party supremacy. On the contrary, those with whom he (Mr. W.) was associated, were equally opposed with himself to any violation of the constitution, and as this resolution would conform to that constitution or not, so they would support it or oppose it. And let it not be understood either, as was intimated in the report of the Committee on Foreign Relations, that this was an attempt to appropriate to ourselves the lands of a weak and unoffending neighbor, without its consent, by a sort of piratical seizure upon their property. No such attempt was contemplated by any of the friends of the measure. It could not be; and yet it was charged against them; that, by a temporary, fleeting majority, and a few resolves from the House of Representatives, they were determined to carry the measure, if possible, whether inexpedient or unconstitutional.

He repelled all such inferences—all such imputations. He yielded to no one in courtesy as to the motives of gentlemen on the other side: he charged none of them with opposing this measure upon party considerations, nor would he allow any such motives to be attributed to those on his side of the House. What! seizing upon the lands of an unoffending neighbor because it is weak, when this resolution merely expresses our assent to that neighbor coming into the Union, and co-operating with us in the great business of self-government; and when this Government, which had been in existence fifty years, without stain or re-

proach, had never, to his certain knowledge, seized upon a foot of land belonging to any neighbor, or any remote Government—had never, by felonious seizure, taken a particle of property of that description, upon any of the many occasions which had occurred to tempt such cupidity, if it existed! When they had it in their power to obtain by seizure distant islands and distant provinces, they forbore; they disdained to make use of that power. They wished for no acquisition of that sort. We desired no fraternization, unless with those powers which wished to fraternize with us, and partake of our institutions, unless they could be connected by the free principles of our Government—not taken by seizure. When gentlemen talked about Patagonia and the Celestial Empire coming into this Union, as he had heard suggested more than once, let them look back into our constitutional history, and see if it is possible for this Government to embrace any nation, unless that nation be willing to come in and adopt our republican institutions.

And where does this charge come from—the charge that we are aggrandizing ourselves at the expense of a great principle of national law, and in violation of the rights of neighboring countries? From a nation from whom we had never, since our independence, obtained a foot of property—from a nation which had seized upon lands, provinces, and regions of country in every quarter of the habitable globe; and who had blotted over the map of the world with her forts of defence and offence, as we have with light-houses on our coasts, to protect and to save! When Poland was disbanded—when Affghanistan was seized upon—that was only a nine days' wonder, and no complaint, no interference, was heard from us. But when we merely express our assent, (as the gentleman from Pennsylvania (Mr. BUCHANAN) had said;) when we merely consent that another country may unite with us in government—and that country formed of one hundred thousand of our brethren, our kith and kin, men who had worshipped at the same altars with us, who had been educated at the same schools, trained up to the same republican principles, who had fought with us at New Orleans and Chippewa;—when we merely consent that they may come into our Union and participate in the blessings of our institutions,—one would suppose that the elements of our republican government were to melt with a political heat, and chaos was to come again. He repelled all such inferences and attacks. He stood here to say that he was as jealous of our constitutional privileges and forms of government as any man on the other side of the House. He yielded that they were patriotic in their motives, and claimed that his side were also patriotic. North, South, East, and West—such portions of them as belonged to the party with which it was his pride to act—were as jealous on this subject, and held the constitution as sacred, as any who charged them

with an attempt to trample upon it by means of a high-handed, fleeting majority. What, then, were these considerations as to expediency, and what were they as to constitutional rights? Had we not travelled over this whole subject of expediency at a former session? had it not gone out to the world? had not the whole nation been agitated by it during the recent presidential canvass, and was it not as well understood now as it could be by a year's further discussion? After all this, would gentlemen stand here and deny the general expediency of a measure of this kind—the expediency of sustaining the general defence of this country, by uniting with a people in our neighborhood, who ask the liberty to become incorporated with us, and enter into our measures for self-protection and self-defence? Our fathers settled, in the old Congress, the great question, after long debate, that our people, for the general defence, might cross the Alleghenies, and that they might go to the Mississippi, and should be free to navigate that river, and be free to navigate the great outlet. That people we are bound to protect. We are bound, also, to carry out the very first object in our constitution—the protection of domestic tranquillity. We are bound to protect the institutions of our country, and the property of our fellow-citizens; and whether our people be on the plains of Savannah, or the prairies of the West, while the constitution lasts we are bound to protect them; and gentlemen, when they assail a proposition which tends to carry out that object of the constitution, assail the constitution itself, and not merely the proposition. Do we not know, also, that we are bound to protect the frontier in every direction from the tomahawk and the torch of the savage, and that the policy of this Government had driven the Indians upon that remote frontier? Was it not our duty to protect the settler from their attacks, and see that he is not butchered in his cabin? And yet gentlemen say there are no grounds of expediency in this measure. He passed by all these arguments, however. The great object, he apprehended, in this discussion, and that which was most important, was the question whether the constitution would admit of the accomplishment of this proposition in the mode contemplated. It was said that it might be in better form, because it asks the assent of Texas. He had no doubt that it might be better in a different form; but let him tell gentlemen that, if Texas was to be admitted upon an equal footing with the other States, was it not as proper to ask her consent as that the constitution should have asked the consent of Virginia, New York, and other States? And when you bring it in as a Government, not as a territory, does she not come in upon an equality with the original States? And let him say, also, Texas never would refuse her consent to divide her territory upon a general constitutional law. How was it the great States had never refused their consent to di-

vide? Where was the want of consent from the Old Dominion to the division of Kentucky?—of North Carolina to the division of her territory into new States?—of Massachusetts to the division of Maine? You let New York, the Empire State—let her people (for he admitted that this was a Government of people, as well as of States) rise and say that she should be divided for the interests of the people, and New York, as a State, assented to the proposition. Were they not, like Texas, consulted upon this division? This proposition to consult Texas upon the division of her territory he alluded to because it came from the other branch of Congress with a decided majority. It was said, as another objection to this bill, that the lands and Indians cannot be managed as well by Texas as by the General Government. He granted it. He would prefer, in that respect, the proposition of the honorable Senator from Arkansas, (Mr. ASHLEY;) but he did maintain that the proposition now under consideration gets rid of one great objection to this annexation; and that is, that we do not assume the debts of Texas. They are now left to be paid by Texas herself. They must be left so, because otherwise it would involve insurmountable objections throughout the whole country. As it stands now, it gets rid of all that. Can we do justice to Texas in that way? It is said, truly, we take away her custom-houses; but if her lands were one-quarter sold, she would have ample means to extinguish her debt to the dollar; and, of course, these lands increase in value upon being united to ours. Is there any impropriety to the creditor in this? Is there any impropriety in making a convenience of her custom-houses when enough is left behind to secure them? He would pass by all that with a single word as to its respectfulness. If we had never had any communication with Texas upon this matter, there might be something disrespectful in it. But in what position do we stand? Have we not been negotiated with, have we not understood each other from the beginning? Is it disrespectful that a co-ordinate branch of the Government should act upon it? The great question then is, Is it, or is it not, constitutional to annex Texas, or rather consent to her admission, in the manner proposed in this resolution? Now, if he understood the report from the Committee on Foreign Relations, and the speeches of the two gentlemen who had addressed the Senate within a few days past, (Messrs. MOREHEAD and RIVES,) the first objection urged was, that Congress cannot admit new States into the Union which are not territory already belonging to the Union. That was one branch of the opposition. Another branch of opposition was, that we cannot admit States into the Union by an act of Congress, although before territory within the United States, because it was not within the Union in 1789.

[Mr. AUCHER said, from his seat, that the gentleman was perfectly right in regard to the

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first objection, but not in regard to the second.]

Well, sir, what do we say on this side? That you may admit new States, by an act of Congress, into this Union, whether they were territory in the Union or not previous to the passage of this act, and whether it was in the Union or not in 1789. That was the difference between us. But it was not enough to state the difference, but upon what grounds they say on the other side that we cannot admit States into the Union, unless they were an existing part of the territory of the Union. They say that the treaty-making power is the only power that can bring territory into the Union which was not before in it. We say you can bring it in either by the treaty-making power or by act of Congress. But when they come to reason upon the constitution in support of their arguments, they resort to construction and implication to sustain them, in interpreting a clause in the constitution which requires no interpretation: "New States may be admitted by the Congress into the Union." Now, if new States can be admitted by the Congress into the Union, we of course admit lands and people; and let him ask the chairman of the committee, (Mr. ABRHAM,) what do States mean in this case? Suppose the constitution had said *new lands and people* may be admitted into the Union by the Congress: where would be the difference? And what do gentlemen say to this plain language of the constitution? They say you must not take the plain language of the constitution, but take it in this way: Before you admit new lands into the Union, you must go buy those lands; thus interpolating this clause in the constitution, or raising it up, in order to batter down an express clause. How, then, did each side stand upon this subject? Upon this side they stood as they had always stood—supporting the constitution in its express grants. Wherever they were express, they wished to carry them out. How did they stand on the other side? They stood not upon the words of the constitution, but upon whatever implication and construction they chose to make from it. This was building up an implied meaning in order to batter down an express one. Which of the great parties of this country had always stood up for the rights of the people of the States and of Congress against Executive encroachment? He would tell gentlemen that the very contest here was a contest between the powers of Congress, as given to Congress by the people, and the powers of the Executive at the other end of the avenue. It was well known that gentlemen on the other side always had the disposition to increase the Executive power. We did not contend that Congress held in its hands the treaty-making power. One would suppose, from the arguments, that the Senate and House of Representatives were trying to steal from the Executive the power to make treaties. What was the contest? It is whether you

shall arm, by construction, this Executive with the power to repeal the express language of the constitution, and give him a power which belongs to the two Houses of Congress. He intended to meet the arguments from the other side with firmness. He would neither dodge nor flinch. Why did they argue that the constitution gives the treaty-making power to the Executive? Had it ever been denied that the Executive had the power to make treaties? Had we denied it from the foundation of the Government?

In order to show that he stated the very same thing which gentlemen had urged, he had before him Mr. Madison's resolution, showing that the House of Representatives did not claim any agency in making treaties. [Mr. W. here quoted from the Journal of the House the extract to which he referred.]

And upon what grounds, then, did the honorable Senator from Virginia say that the House, in passing these resolutions, were assuming an executive power? In adopting these resolutions, did it not leave the ratification of treaties to the Senate as it was before? Gentlemen will say, how can this be when the Senate refused to ratify the treaty of Texas at the last session, when the matter was referred to them? He would explain the difference. In that case the attempt, by treaty, was not to admit Texas into this Union. No such proposition was made. We might buy one acre or a million of acres of territory by treaty, but that was not admitting her into the Union as a State. There was no proposition in that treaty to admit her into the Union as a State. He said then, when that treaty was pending, that if ever she was admitted as a State, it must be by Congress. That was what was now undertaken to be done. Do we propose to admit her as a Territory, not as a State? On the contrary, the treaty is repudiated, and we proceed to admit her as a State by this resolution. At the last session of Congress we were acting under the grant in the constitution given to the treaty-making power. He need not talk of that. We were now acting upon the power conferred upon Congress, and not upon the treaty-making power, to admit new States. Gentlemen, therefore, made nothing by saying that we refused to ratify the treaty presented to us at the last session of Congress. There was no treaty before us now. It was an entirely different subject—that of making Texas a State. It was different in substance, as well as in form. Now the attempt is made to deny to Congress this express grant. The gentlemen talked about this section of the constitution as being a short one. He asked the honorable chairman of the committee, (Mr. ABRHAM,) how long is the section which gives the treaty-making power to the President? and how many express grants are there in that clause? He had it before him. "The President shall have power, by and with the advice and consent of the Senate, to make treaties." Just two and

a half line. Where was the express grant to bring in a State, or even a territory? Upon what did he found that express grant? This merely conferred the power to make treaties. But treaties upon what? That was the question. On looking into the report, he saw that the inference was, that this power could be exercised upon all matters connected with the general welfare. Only let us make treaties in what concerns the general welfare, and that whole clause, which has been known from the foundation of the Government, gives an express power to do any thing by a treaty for the general welfare. The clause in relation to the general welfare is given to Congress and the people, and not to the President and the Senate. "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and *general welfare* of the United States." If any inference can be drawn from that, it is an inference in favor of the power of Congress; whereas, on the other side, they have drawn an inference in favor of the grant of the power to the President and the Senate. Was there any ground for objection against this express grant to admit new States, because it was embraced in so short a space? Why, he must tell the honorable chairman of the committee that his report covered double, treble the space of the whole constitution itself, and that many of the most important grants in this instrument are in three or four words.

The gentleman from Virginia said that the grant was hid in an obscure corner. It was in the very place where it should be; it was among the affairs and arrangements as to States, and there it should be, and there it was distinctly and fully. And let him remark that one of the greatest beauties of that instrument, like the beauty of the Scripture, was its brevity and terseness; and such was its precision, that it had never been found necessary to make an alteration in it, except in relation to the mode of electing the President, and a clause concerning foreign nobility. It has answered all the objects for which it was designed, notwithstanding that brevity.

Did this treaty-making power relate particularly to foreign or exterior relations? There was no such language in the constitution. Most of the powers given to Congress were for foreign purposes—foreign relations leaving the domestic purposes and domestic relations to the different States.

While the gentlemen on the other side are obliged to resort to inference for what they maintain—namely: that it is only by the President and Senate that Texas can be admitted—he (Mr. W.) and his friends maintained the power of Congress to do it by an express grant in the constitution. On one side, all depended upon inference; on the other, on the words of the constitution itself. It is an express power, just as much as the enumerated powers of declaring war or making regulations concerning

commerce. The declaration of war related to foreign affairs, and so did regulations of commerce. On various occasions, from the beginning of the Government, Congress took action in relation to foreign loans. In all these instances, would it be contended that the power of Congress to act ought to be taken away and given solely to the Executive and Senate? It was a strange doctrine that the express powers of Congress, under the constitution, should be broken down on the plea that the transfer of them to the Executive and Senate would give greater security to the people for the exercise of those powers, when it was the sovereignty of the States was represented in the Senate, and the control of the people's immediate representatives in the House of Representatives was taken away.

TUESDAY, February 18.

*Annexation of Texas.*

On motion by Mr. ARCHER, the Senate resumed the consideration of the joint resolution from the House for the admission of the State of Texas into the Union—the question being on the motion for its indefinite postponement.

Mr. CHOATE being entitled to the floor, addressed the Senate for nearly three hours.

He commenced by observing that the honorable Senator from New Hampshire (Mr. WOODBURY) had opened his remarks yesterday in an earnest, not to say somewhat vehement and impassioned manner, by expressing his regret that the Committee on Foreign Relations had disapproved of this resolution. He (Mr. C.) had the honor, on the other hand, to concur entirely with the Committee on Foreign Relations in the general result of their investigations—that Congress had no constitutional power whatsoever to pass a resolution of this kind. He held an equally clear and decided opinion that Congress has no power whatsoever, by its legislation, *per se* and *per saltum*, to pass a bill, which, without the parliamentary intervention and instrumentality of another department of the Government, should transfer Texas, or any other foreign State, into our Union.

He held that we could not do this, though it were ever so high an object of protection. We could not do it if it could insure a thousand years of liberty to the Union. If this Texas annexation were to work all these incomparable, and inconsistent, and impossible good things—if it were to establish a millennium in every part of the earth, and furnish a good monopoly for Pennsylvania iron and Massachusetts shoes—if it should produce all the cotton and sugar in the world, and be tilled only by the hands of the free—if, like the fabled garden of old, its rivers should turn out to run pearls, and its trees to bear imperial fruit of gold,—yet, even then, we could not admit her. To all these temptations he had but one answer—how could he do this and not sin against the constitution?

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He agreed with the Committee on Foreign Relations, that we have no manner of power to do this act. He cleaved to the constitution, and abstained from any discussion upon the question of expediency. While, therefore, he undoubtedly held very clear and decided opinions about this matter—and it would be no credit to any one in this stage of the business not to have formed clear and decided opinions—while he was persuaded that we have no need at all of this vast foreign domain—no more need than we have of the rest of the world—no more need than we have of Java, or the islands of the Mediterranean—he would say to his friends from the South and Southwest, that an independent neighbor does us no manner of harm, but rather good, no more harm than Spain does to France, than Prussia does to Austria—or any of the European States do to England.

Believing that we had area enough for such a career of glory as no country in the world ever enjoyed—believing and knowing that this measure of annexation is felt by millions, not by a handful of fanatics, but by unionists and constitutionalists—men who would shed their blood to preserve the constitution,—to be unjust in its effects upon some of the interests and domestic institutions of the country, and not within the contemplation or the expectation of the framers of the constitution—he was utterly opposed to it. This question of the power of Congress to affect this measure, he agreed with gentlemen, was not only first in the order of time, but he supposed all would concur that, in this stage of the business, it was the only one upon which in this body there could be any expectation at all of an interchange of opinion.

What was the point of constitutional law at issue? Whether there was really a grant of power in it, as had all at once been supposed to have been found out, which authorizes Congress, by a majority of a quorum, to unite with this Government one State, or one hundred, all around the world? He could not think but that, on this question, a large majority of the Senate might yet be found to concur in opinion with him, that no such power was granted to Congress.

He begged leave to say—what he had desired for some time to say—that he should not have manifested an impatience so unbecoming to his years and his position in this body, to obtain the floor, but for reasons somewhat personal to himself. A certain gentleman elsewhere had done him the honor to recollect the subject and matter of a speech which he had delivered in executive session last summer, and to draw an inference from a passage in that speech in favor of these resolutions as they stand. The process by which an argument of his had been made to support this measure was this: the advocates of annexation, like many of its opponents, had assumed that this power to unite to this Government any independent foreign

nation is given in some branch or another of the federal constitution, if they could only find it out. He repeated what he said then—that this power was not a power given to one branch or another—the legislative or the executive department of this Government, but that it was held by our masters, the people.

The honorable Senator from New Hampshire (Mr. WOODBURY) took occasion to say, in the course of his remarks yesterday, that he stands for Congress against the Executive and Senate. He (Mr. C.) stood for our masters, the people.

In going on, as he now preferred to do, by attempting to show that this annexation cannot be consummated by Congress, he did nothing at all inconsistent with what he had heretofore maintained. He but tried to complete the discussion then only half completed. He still maintained the same general principles in the views which he entertained of this great question.

He would not be permitted—or at least he was not required—to travel the whole of the way with the honorable chairman of the Committee on Foreign Relations, or the honorable and able Senator from Virginia, (Mr. RIVES,) or his friend from Kentucky, (Mr. MORRHEAD,) though he considered them first-rate company. In every word which they had said in interpreting this particular clause of the constitution, which says that "new States may be admitted by the Congress into the Union," he concurred with them; and any thing he could say upon the subject would be but repeating the opinions entertained by them. But he must diverge from them on a part of the journey. He understood those gentlemen as assuming the proposition that the constitution gave us the power to annex Texas as a territory—not as a State; but only in the exercise of the treaty-making power.

He must pause for a moment, and begin this discussion a little farther back. The inquiry suggested itself to him, whether this power belongs to the Federal Government at all or not? or whether it did not belong to our masters—the people and the States? If, upon this preliminary and transcendental inquiry, he should be so unfortunate as not to obtain the assent of a single member of the body, still it would not alter the great constitutional and fundamental position which he maintained. It seemed to him the occasion was a fit one to speculate a little; and as he had not lately trespassed much on the indulgence of the Senate, he trusted it would not be unfit or improper to speculate somewhat in advance upon this transcendental question. Has any branch of the Federal Government power to annex a foreign nation to this, or is it a power in hands that never can abuse it—the people and the States?

Now, permit him to say in the first place, that the public mind had a little confused itself upon this subject, by not steadily keeping in view the real gist of the question. We found

ourselves running into error in regard to precedents—talking about Louisiana and Florida; and because they came in by treaty, Texas must come in by treaty. But this joint resolution was a proposition to unite two independent nations—not to annex a portion of the territory of a foreign nation. Its object was to admit into the Union an entire foreign nation, population, territory, government, and institutions. Mr. C. dwelt at great length on this branch of his argument.

To say that there was, in 1787, any hope in America that Canada would accede to a union with us, was to assert as great an historical absurdity as to say that there was any hope or expectation that the University of Oxford, or the city of London, would join our confederacy. It might as well be said that three republics from the Indies, or from three to fifteen from the Hudson's Bay, were expected to join the Union. He denied that the clause in the fourth article in the constitution, giving the power to Congress of admitting new States into the Union, was given with the most remote idea of its being ever applied to any thing but domestic territory. It was a thing they never could have even dreamed of. He did not mean to say that they did not contemplate cases in which in their intercourse with other nations it might not be necessary to make changes of mere border territory; but if even that was thought of, the treaty-making power was considered all sufficient to embrace that necessity. If the idea ever crossed their minds of giving the power to Congress of annexing foreign nations to the Union, they would have stated it in express words; but as no such idea was contemplated, they made the grant what it is in the article regulating the domestic relations of the States then entering into the confederation. Mr. C. illustrated his position on this point by various references to the condition of things then existing, the circumstances influencing the framers of the constitution, their jealousies strongly marked against every thing foreign; and then he asked was there a shadow of probability that they could for a moment contemplate the accession to the Union of foreign nations, or think of conferring a power on Congress so unlimited as to admit of annexing any or all foreign nations, no matter how distant or dissimilar! The mere requisition that they should be republican Governments, was not the sort of security that would satisfy such men as the framers of the constitution. It would not do to say that every country knocking for admission with its bible of republicanism under its arm, could come into the Union. Pretence would not do, for it could not be known what was in the heart. No union could have been contemplated but that of our own people and our own territory, trained up in our own republican principles, and familiar from infancy with our institutions. But a general rule would admit Pagans, Infidels, Patagonian

savages, or Comanche borderers, provided they came with the scripture of republicanism in their hands as their passport.

Mr. C. then proposed to review two aspects of the period at which the constitution was formed; one, prior to its adoption, which he would call the view outside the constitution; the other, at the time of its adoption, which he would call the view of that instrument as it exists, and as it explains itself.

Carrying out this purpose, he made an elaborate sketch of the powers exercised by the old confederation, which, in many particulars, he maintained, were much greater than the powers now exercised by Congress; yet even then, the idea that one State could exercise any authority to bind another, or that they could exercise any power which more appropriately belonged to the people in their primary assemblies, never was dreamed of. Hence it was the people that made the declaration of independence. That was an act affecting our foreign relations, boundaries, alienation; an act the very converse of accession or annexation of territory; for it was an act of severance—cutting loose from foreign connection. It was plain, afterwards, that in framing the constitution, when the sovereign power of the people was to be delegated, the grant was intended to be in express terms, such as the power to declare war, make peace, regulate commerce with foreign nations, lay taxes, &c. But no such power as that of admitting foreign nations into the Union was delegated, or it would have been also explicitly granted. They could not have overlooked the possibility that the exercise of such a power would, in the event of admitting a more powerful nation, be placing ourselves under the Government of that nation, instead of its being placed under our Government. Mr. C. referred to the proceedings of the convention, and the various propositions relative to the representation of new States, with a view of showing that great fears were even entertained that the western States beyond the Alleghenies would, in time, have the ascendancy over the Atlantic States; and he argued that if such apprehensions had so much weight, it was impossible to believe that the extension of this source of jealousy, which the admission of foreign States would necessarily cause, could have been contemplated.

Coming to the second review of the period, and opening the constitution itself, Mr. C. read the grant of power to admit new States, and inquired whether any man could believe that if by it was intended the tremendous power of admitting new States in any part of the world without limitation as to habits, customs, language, principles, or any thing but the semblance of republicanism, could be intended without a more precise and explicit definition of the power to admit foreign Governments. Mr. C. dwelt at very great length on this view of the subject, and quoted numerous authorities to prove

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negatively that no such vast power was ever imagined by the framers of the constitution.

He went farther than the chairman of the Committee on Foreign Relations, (Mr. AROHER,) or his colleague in that committee, (Mr. MOREHEAD,) in relation to the power of this Government to admit foreign territory; for he even denied that it could be done by any power but the primary sovereign power of the people themselves, in their own previous capacity, either by agreement to amend the constitution so as to grant the express power, or otherwise. He therefore differed from his friends from Virginia, (Messrs. AROHER and RIVES,) and from his friend from Kentucky, (Mr. MOREHEAD,) inasmuch as he denied that it was vested in the treaty-making power. It was not, however, a question material for him to argue. The treaty-making power had been exercised to acquire territory, and therefore it was no longer necessary to dwell upon the subject. He, however, vindicated those who thought with him that this Government had no constitutional power to annex Texas to the United States.

Reverting to the power assumed by the joint resolution under discussion of annexing Texas by an act of Congress, he concurred fully in all that had been said on that subject by his friends from Virginia (Mr. RIVES) and from Kentucky, (Mr. MOREHEAD.) They had left only one point untouched, to which he should advert. It was, that until it was found the treaty of last session had no chance of passing the Senate, no human being, save one—no man, woman, or child, in this Union, or out of this Union, wise or foolish, drunk or sober, was ever heard to breathe one syllable about this power in the constitution of admitting new States being applicable to the admission of foreign nations, Governments, or States. With one exception, till ten months ago, no such doctrine was ever heard of, or even entertained. The exception to which he alluded was the letter of Mr. Macon to Mr. Jefferson, which Mr. Jefferson so promptly rebuked that the insinuation was never again repeated, till it was found necessary ten months ago, by some one—he would not say with Texas script in his pocket—but certainly with Texas annexation very much at heart, who brought it forward into new life, and urged it as the only proper mode of exercising an express grant of the constitution. Mr. C. dwelt at very great length on this point, and made use of innumerable illustrations to enforce the arguments he drew from it, that it was a new and monstrous heresy on the constitution, got up, not from any well-founded faith in its orthodoxy, but for the mere purpose of carrying a measure by a bare majority of Congress, that could not be carried by a two-thirds majority of the Senate, in accordance with the treaty-making power.

THURSDAY, February 20.

*Annexation of Texas.*

The Senate proceeded to the consideration of the special order, the joint resolution from the House for admitting Texas as a State into the Union,—the question being on the indefinite postponement of that subject.

Mr. COLQUHITT being entitled to the floor, addressed the Senate for about an hour and three-quarters in support of the joint resolution of the House now under consideration. It had not been his intention, at this late period of the session, to speak on the subject; for, although he had given it his most anxious consideration when first introduced, in expectation of a much earlier action of Congress, he had, since he found it so long protracted, given up the idea of doing more than recording his vote; and he was not, therefore, prepared to offer more than a few desultory remarks on the general question, which he now did at the instance of some of the friends of annexation not themselves ready to proceed with the discussion without further references which they desired to make.

He found in the report of the Committee on Foreign Relations, and in the debate upon the question as far as it had gone, that the main question at issue was the power of Congress involved in the mode of annexation proposed by the joint resolution of the House. He should therefore first address himself to that point. He would, however, premise that, if he should be satisfied by proof or argument that there was no such legislative power granted by the constitution, he would say to his friends, stop, proceed no further in this way. But if it turned out, as he had full confidence it would, that there is no constitutional impediment, then he would say that propriety, as well as the interests of the whole country, demanded immediate action in the way proposed.

He had been a little surprised to find some grave Senators, generally very liberal in their construction of constitutional powers, always ready to raise constitutional objections against any thing that did not square with their own measures or opinions, or political feelings.

The Committee on Foreign Relations, it seemed to him, based almost its entire argument on the limitation of the power of annexing Texas, in any shape or form, to the treaty-making power. And even some of the gentlemen on the other side take it for granted that, if the power exists in the treaty-making power, it must be under limitation as subordinate to some other power in the constitution; while others contend it does not belong to any granted power, but is held in reserve by the people in their organic primary assemblies.

But the deduction from the report of the committee is, that the treaty-making power alone can act on this question, having the entire and only power of making contracts or compacts with foreign Governments. It holds that legislative action is unconstitutional.

Respectable as the source was whence this doctrine came, he begged leave to dissent from these deductions in all their particulars and inferences.

Mr. O. then proceeded with each of these propositions, asserting in broad contrast that, although for convenience, the treaty-making power was, under certain circumstances, properly resorted to in the acquisition of territory, yet it could not constitutionally be extended to the admission of a foreign State: that it was only by Congress, under the general power of admitting new States granted in the constitution, that a foreign State, such as Texas is, could be admitted; and that, even if there was more propriety or necessity for legislative action in relation to the acquisition of territory, than for the use of the treaty-making power, it could be done under the powers which Congress possessed of making contracts or compacts.

As to the power of Congress to admit Texas as a new State, he was so astonished that there could be any doubt on the subject, that he had often to question himself whether those who denied the power were really serious, or whether they only did so, merely to give color to their opposition. In proof of this, he referred to the speech made last session, in secret session, by the Senator from Virginia, (Mr. ARDREY,) on the treaty of annexation, then under discussion, in which speech the acquisition of Texas, as a territory, was strenuously opposed, on the ground that it was an independent power, Government, or State, complete in itself—a nation and not a territory; whilst now, the same Senator, in his report, declares there is no constitutional power to admit Texas by legislation as a new State, but refers the matter to the treaty-making power, as the only constitutional mode of admitting Texas as a territory!

These conflicting positions Mr. O. illustrated so as to give his argument great point; but he spoke so rapidly that the reporters could not catch sufficient of his phraseology to do him justice.

As to the admission of new States into the Union, it was clear that Congress alone possessed the power. Now, Texas is not a territory, but a State—a State exactly in the position of Rhode Island or North Carolina when admitted into the Union—a State, complete in itself, independent, with its own government, sovereignty, and domain. Its similitude went still further; its population is a portion of our own people, speaking our language, imbued with our republican principles, raised under our institutions, educated in our school of liberty, part of ourselves, and ready to enter our Union in every respect as Rhode Island and North Carolina did; for he held, and would maintain against all disposed to gainsay it, that, for the year Rhode Island refused to come into the Union, she was as much a foreign State—separated, distinct, independent, completely her own mistress, free to dispose of herself as she

pleased—just as much as Texas now is. And so it was with North Carolina. How could it be said they were *new States* made or rising out of territory of the United States? They never belonged to the United States. They were not territories. They did not give a foot of their domain as territory to the Union. They came in of their own free will, and independent sovereign States. Texas was in the same position: the only difference being as to the time and proximity.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, February 20.

#### *Electro-Magnetic Telegraph.*

Mr. J. P. KENNEDY offered an amendment to appropriate \$8,000 for defraying the expenses for the year of the magnetic telegraph between Washington and Baltimore, said sum to be disbursed under the direction of the Postmaster General. During the last Congress, he said, an appropriation of \$80,000 had been made for the establishment of this telegraph. He had recently received a communication from the gentleman at the head of this telegraph, stating that the appropriation was entirely expended, and that the thing must rest unless some funds were appropriated. It was in contemplation, as proposed in this amendment, to put it under the superintendence of the Postmaster General, in order that he might make out a tariff of charges for the transmission of information by this means. It was supposed that the receipts in this way might go a considerable way towards defraying the expenses of the establishment. Here was a work of this importance between Baltimore and this city, which was now suspended for want of funds, and which, if neglected, and suffered to remain idle, and without attention, would go to ruin. There was also, as was known, a bill now on the table, for the extension of this work to New York. Gentlemen, from this statement of facts, must see the propriety of the appropriation proposed.

Mr. THOMPSON inquired if the gentleman from Maryland proposed to establish six additional offices, under the direction of the Postmaster General. Were we to have a new department springing up here? How were they to be appointed? By the Postmaster General?

Mr. KENNEDY replied that the bill which was before the House, providing for the extension of this work to New York, provided a plan for the organization of the whole thing by law. In the mean time, here was this telegraph constructed from Baltimore to this place; and the question was, should it be continued or not?

Mr. THOMPSON was unwilling that this thing should further be carried on, without seeing the use of it. It was true, it might be of some importance to Baltimore and Washington that intelligence should be transmitted in advance



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of the mail; but it would not facilitate, in any degree, such transmission to other parts of the Union. Until the bill came up, he was opposed to the appropriation.

The question was taken by tellers, and agreed to—ayes 78, noes 45.

## IN SENATE.

FRIDAY, February 31.

*Annexation of Texas.*

The Senate resumed the consideration of the joint resolution from the House for admitting Texas as a State into the Union—the question being on its indefinite postponement.

Mr. SUMNER, in continuation of his remarks from yesterday, observed that, having disposed of the preliminary question raised by Senators on the other side, touching the position in which Rhode Island and North Carolina stood immediately after the other States had adopted the constitution, he would now proceed to the main question—the constitutional question of the power of Congress to pass this joint resolution.

It was to him a subject of great gratification to find that, on all sides, and from all quarters of the Union, different as were the opinions of gentlemen who had taken part in this debate, all had borne testimony, of the strongest kind, of the deep and abiding attachment to the constitution which prevailed throughout the whole country.

He believed the chief ground of opposition to annexation in those portions of the Union with which he (Mr. S.) was best acquainted, arose from the apprehensions entertained that it would break into the constitution.

Yesterday a new view had been presented, in the assertion that Congress had the power to authorize any State to annex to itself foreign territory. He agreed with the Senator who urged this new view, that although every treaty was a contract, yet every contract was not a treaty. The true issue was, whether authority could be given by Congress to a State to make contracts with foreign powers. Now he (Mr. S.) held that the constitution prohibited any State from making foreign alliances or compacts. Would not a contract between Louisiana and Texas come within the meaning of the clause in the constitution which inhibits a State from making foreign alliances or compacts? If this power could be given by assent of Congress, why could it not be extended to the annexation of Louisiana, of Mexico, Central and South America, or any other part of the world?

Here Mr. S. read the clause in the constitution, and commented upon it at considerable length.

He then adverted to the discussions in the convention which framed the constitution, and particularly to the amendments and alterations made in relation to the various drafts of the

fourth article; deducing from these discussions that the power to admit new States into the Union, was intended to apply exclusively to States arising out of the territories of the confederating States.

Mr. S. next examined the grounds upon which the treaty-making power was based, and drew from these premises the conclusion, that to that power alone belonged the right of treating with foreign nations for the acquisition of new territory. It was not, he held, till after the acquisition of foreign territory by the treaty-making power, that the legislative power could come into play for the admission of new States formed out of that territory.

He then dwelt for some time on the question of expediency, maintaining that, under existing circumstances, the annexation of Texas was particularly dangerous and inexpedient; whereas, if left to the natural order of things, and the developments of time and controlling influences, it was more than probable the event would occur satisfactorily to all the interests of the Union.

Mr. MEXSON next obtained the floor, and addressed the Senate for about two hours, strongly in favor of the joint resolution now under consideration.

Mr. M. said that the final hour of this Congress was rapidly approaching, and each moment was precious. It was not his purpose, therefore, to consume any of them idly or wantonly; but his position compelled him, on this important occasion, to consume just as many, and no more, as might be necessary to place himself right before the country, and to present to the consideration of those around him, some of the ideas which had presented themselves to his mind during the progress of this discussion. We were engaged in no ordinary act of legislation. We had in hand a subject which concerned the fate of empires, and which was to affect, for weal or for woe, through ages yet to come, millions of the Anglo-Saxon race. In the consideration of so grave and so momentous a subject, it appeared to him that the statesman, in so vast a matter, should seek a judicious line of action in the sublime light of reason. Firmly determined that this frame of mind should guide him, if possible, he had striven to bring himself to it, and he hoped he had succeeded, and doubted not that other gentlemen had made the same effort, with probably more success. Still, it could not but strike his mind as strange, and hard to be accounted for, that we should find opinion upon this question very nearly divided; and, without intending to reflect upon any, he regretted to see how difficult it was to rise above the influence of prejudice, passion, and interest. It might be his case. He did not claim exemption from the general imperfections of mankind. He hoped that in our councils the advice of the immortal poet Burns would be borne in mind—

"Calmly to see  
Our fellow man;"—

and he trusted he might be permitted to invoke for himself the benefit of this wholesome and wise admonition, and for those with whom he associated here—to whom, perhaps, the opinions he was about to announce might possibly be unacceptable.

The course of this debate, in the order which had been pursued, had wisely and appropriately postponed all considerations of expediency, however urgent and striking they might be, to the primary, and deeper, and more vital question that had arisen, of the constitutional power of Congress to effect the end proposed by the joint resolution now before the Senate.

He agreed that this order was right; and he concurred most cordially and fully in the sentiment so eloquently expressed by his honorable friend from Massachusetts, (Mr. CHOATE,) a few days since, when he said of Texas, that were she a terrestrial paradise—her sands all gold—her streams imperial nectar, and her trees bearing golden fruit—were she to give us perpetual peace and liberty—yet, if the deed proposed to be done, be forbidden by our sacred constitution, she should not come into our Union. We had all registered in heaven oaths to observe the obligations of that sacred instrument, under which we had all been educated, and to evince our veneration for our fathers who framed it. There could be no Senator here who did not feel the weight and high responsibility of the obligation, as well as his honorable friend from Massachusetts, to observe the letter and spirit of our sacred charter of liberty. But his honorable friend must excuse him, if he told him that he (Mr. CHOATE) was not the only defender and advocate on this floor of that instrument; but on the contrary, that the tendency of the argument which he advanced the other day, would be to tear in tatters that sacred instrument—strip it of its fair proportions—mutilate it, and render it inadequate to accomplish those glorious ends for which it was designed.

SATURDAY, February 22.

*Annexation of Texas.*

The Senate then resumed the consideration of the joint resolution for annexing Texas to the United States—the question immediately pending being a proposition for indefinite postponement.

Mr. HUMPHREY, in continuation of his remarks of yesterday, addressed the Senate for upwards of an hour, chiefly on the inexpediency of the measure of annexation. He argued that we had more territory than we could for ages to come occupy, and consequently had no occasion for the addition of Texas.

He dissented from all the positions taken by the Senator from Pennsylvania (Mr. BUCHANAN) on the expediency of immediate action, and urged the propriety of taking longer time to consider the matter.

He recapitulated the arguments of the Sena-

tor from Kentucky, (Mr. MOREHEAD,) and the Senator from Massachusetts, (Mr. CHOATE,) with which, in the main, he concurred.

In conclusion, he eulogized the constitution, and invoked Senators to preserve it inviolate.

Mr. ASHLEY said he rose to address the Senate upon this occasion, embarrassed by a very severe cold, and embarrassed by the position in which he had been placed in consequence of the able arguments which had been heard upon this question. Situated, however, as he was, he would feel that he was recreant to the duty he owed to the noble State which had confided to him the position that he now occupied, if he should suffer this question to pass without doing something more than to give his silent vote. When he said that this whole subject was a new one to him, and that he had had no further opportunity of examining it than that which he had acquired since he had been a member of this body, it would not be surprising, perhaps, that he should adopt what had been adopted by gentlemen who had preceded him. The course of this debate had been surprising to him—perhaps for want of information. He spoke of the mode in which this question had been argued—the mode of construing the opinions and judgment and wisdom of our forefathers, which had been set down not by any course that he had ever heard of in the practice of law.

Let him ask gentlemen if it had ever occurred before that an argument had been made use of for ascertaining what were the motives of a large body of individuals, by referring to the motives of a small number? The convention that framed the constitution was a body of men as large as those who composed this assembly—somewhat larger, he believed. And whose opinions had been taken as evidence of the motives of that body? The opinions of Mr. Madison, Gouverneur Morris, Luther Martin, and some two or three other individuals; and the motives of these few were taken as the motives of the whole mass of the convention. Take one of your statutes—take the post-office law, which we had been acting upon during the present session of Congress: some half dozen gentlemen had spoken upon the subject. It was passed through by a majority of 88. When that law comes to be questioned in a court of justice, would it not be extraordinary if the opinions of those half dozen who had spoken upon the subject should be taken as expressing the opinions of all, and the general opinion of the whole assembly should be disregarded? It was to his apprehension the strangest course imaginable, that we are to resort to the motives of a few individuals for the purpose of ascertaining those which governed the whole body. He would, in any case, grant the propriety of going back to contemporaneous history for ascertaining an expression of the situation of the whole country; but he would not grant the propriety of examining the opinion of three or four men.

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Under what circumstances had this argument been made use of? For the purpose of showing the doubts as to power? For the purpose of putting a construction upon the face of that which admits of doubt? No: for no such purpose; but for the purpose of raising a doubt to destroy the plain and obvious construction on the face of the constitution. Was not this true? Had not the arguments made use of by the honorable Senator from Virginia, (Mr. Rives,) and by the Senator from Kentucky, (Mr. Morehead,) and every other gentleman on that side, been directed to that object?

This mode of proceeding was different from any course which he had ever seen passed when a question of construction came up for adjudication before a court of justice.

He would be as brief as possible. He claimed that this territory belongs to us now; that we had never parted with it; that we had no power to part with it. He claimed that, by the concurrent authority of every prominent man in the country, we did acquire Texas by the treaty of 1808. This had been assented to by all—by the public ministers on both sides, and recognized by the Spanish minister himself. Assuming that as true, then—and he had heard many men admit the truth of the proposition, and yet deny that Texas, in consequence of the subsequent action of this Government, continued a portion of the territory of the United States—how did she lose her citizenship or nationality by any act to which she did not consent?

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 22.

*Magnetic Telegraph.*

The amendment appropriating \$8,000 for defraying the expenses of the magnetic telegraph between the city of Washington and Baltimore, for the current year ending on the 1st February next; the said sum to be disbursed under the direction and superintendence of the Postmaster General, being under consideration.

Mr. McKAY asked the yeas and nays, which were ordered.

The question was taken, and the amendment was agreed to—yeas 112, nays 64.

## IN SENATE.

MONDAY, February 24.

*Florida and Iowa.*

Mr. BREWER, from the Committee on the Judiciary, reported back without amendment, and favorably to its passage, the bill from the House for the admission of the States of Iowa and Florida into the Union.

*Annexation of Texas.*

The Senate then resumed the consideration of the joint resolution for annexing Texas to the United States—the question immediately

pending being a proposition for indefinite postponement.

Mr. DARTON being entitled to the floor, addressed the Senate for nearly two hours.

He remarked that he was impelled to speak on this subject, not only by his own feelings, but under the request of the legislature of his State. It had been well said, that coming events cast their shadows before; and to his mind the shadow of events yet in futurity, with regard to this Union, seemed to grow darker as prospects of the nature of that before us became probable events.

He objected to the measure now under consideration, as being defective in every particular; not only in principle, but in form, phraseology, and every thing that could constitute an act of constitutional national legislation.

He entered into a critical and minute review of the wording of the joint resolution. It wanted, (he said,) in the first place, specification of details; yet there was one distinct enumeration—that Congress had power over the whole matter. On his side of the House, he and his friends denied this power. On this point he and they took issue at once against the friends of annexation. He investigated the arguments in support of the constitutional power, and rejected every construction adopted in support of those arguments. He referred to Mr. Jefferson's opinions, as being in accordance with his view of the subject.

He quoted the clause of the fourth article of the constitution, to the effect that "new States may be admitted into this Union by the Congress," &c.; and proposed to examine this clause in reference to two tests or rules of construction sanctioned by the highest authority. These two rules, are:

First: The construction of statutes depends on the intention, to be collected from a particular provision, or from the general context.

Second: A thing which is in the letter of the statute, is not within the statute, unless it be the intention of the makers.

With these tests Mr. D. proceeded to an elaborate and technical investigation of the legal bearing, meaning, definitions, and limitations of the power given by the fourth clause of the constitution.

In the course of his remarks he commented at some length upon the observations of the Senator from New York on Saturday touching the fact, whether annexation was or was not a prominent issue in the State of New York at the late elections, Mr. D. maintaining that it was not a prominent issue.

He then adverted to the technical meaning of the constitutional power to admit new States; and deduced from the general context of the whole constitution, that the power was intended to be confined exclusively to the admission of new States growing out of the territory of the United States. He drew an analogy from the power given by the constitution to the judicial department; and argued that the

same construction which annexationists applied to the fourth section of the constitution, would extend the jurisdiction of the judicial department to all the foreign nations of the world.

He stated difficulties which appeared to him insurmountable in reference to the citizenship of the inhabitants of Texas, thus admitted; contending that if admitted at once, as proposed, foreigners now in Texas, and owing allegiance to the sovereignties under which they were born, would come without any probation or guards into the fruition of citizenship, whilst foreigners arriving at any of our own ports, have to wait five years, and go through various forms of law before they can become citizens. He had also dwelt on the constitutional impediment with regard to the representation of Texas in Congress, by citizens of Texas, until they shall have been in the Union for seven or nine years. Besides, representation would be given for Mexican peasants, and Indians, now admitted to citizenship in Texas. He had another objection: it was to the extension of the representation of negro population.

Mr. D. took the ground, that the exercise of the power of Congress in the annexation of Texas was a blow against State rights; and he protested against it, as a measure calculated to make the small States vassals and dependents upon the large States. He contended, that if New Jersey at the time of the confederation had foreseen the probability or possibility of such an exercise of this power, neither she nor any of the small original States would have consented to such a dangerous alliance. They were induced to join the Union under the promises and belief that the sovereignty and equality of the States, whether large or small, would be preserved inviolate in the Senate of the United States. Now, he contended, that the extension of the confederation to foreign States was a breach of faith to the original small States, which must prove their destruction.

He next argued the question of jurisdiction, and maintained that the power of the constitution to that end was confined to the territory of the Union; and, outside of the territory, only to its citizens and property—over its army and navy, for instance, and shipping, &c. In answer to the Senator from Mississippi, (Mr. HENDERSON,) with reference to the hope he expressed that Cuba would yet be ours, Mr. D. took an extensive view of the possibility of that principle being carried out, if once begun, until the genius of America, in the shape of the buxom goddess that sprung from the brain of Jove, would stride from province to province, and from island to island, plucking down the flags of Spain, France, and England, and raising in their stead the floating stripes and stars of the United States.

Speaking again of the principle that Texas, which he understood now admits foreigners to citizenship upon six months' residence, and when admitted into this Union, would thus

bring foreigners into our citizenship five years sooner than they could under our constitution obtain it, Mr. D. supposed the only way the friends of annexation could get over the difficulty, would be by resorting to a latitudinous construction of the constitution; and, touching upon this point, he accused the party which made the loudest declamation about strict construction with being the most unscrupulous in adopting latitudinous construction when it suited their purpose.

Adverting to the second section of the joint resolution, requiring (as he conceived) the mines, minerals, &c., to be given to the United States, he asked how much of the fossil world it was expected Texas would convey to the Government, and how much of the territory covering her iron and coal mines. His object was to show the indefiniteness of the specifications of the joint resolution.

Mr. WALKER interposed to let the Senator know that, in the joint resolution which passed the House, that clause had been stricken out.

Mr. DAYTON resumed, and explained that he was drawn into mistake by the printed bill he found on his table.

Taking the correct bill now put into his hands by the Senator from Mississippi, he examined it, and objected to its provisions in detail. He objected to the supervisory power awarded to the General Government of looking into the domestic affairs of Texas, and regulating the payment of her debts. He asked how would South Carolina feel if the supervisory eye of the Federal Government were directed to her domestic affairs and relations? She would not, he said, endure it one moment. In reference to Texas, it was a nugatory provision; for the Federal Government could never exercise the control assumed. He said that, in the eye of the law, and in the eye of nations, the very recognition of this supervision would compel us to pay the debts of Texas. We have, he remarked, enough of repudiating States in the republic; if we admit another, with the badge of repudiation on her back, it will be our own fault, and a matter of just reproach.

He examined the third section of the joint resolution, and characterized it as most delusive. Nobody could suppose the whole State of Texas, now a slave State, would ever consent to let any States formed out of her territory become free States. It was all gross delusion.

The people of the North, he contended, had ever acted fairly by their brethren of the South. They had consented to the admission of States for free and slave; and even now, Florida on the one side and Iowa on the other, awaited but the action of the Senate and Executive to come into the Union, preserving the balance.

Looking to the admission of the thirteen States since the confederation began, nine came in without any dissent. He stated by States

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the votes given on the admission of each. On this ground he defended the State of Massachusetts from the aspersion cast upon her by the Senator from Arkansas, as having been the constant opponent of the admission of new States.

He concluded with an eloquent eulogy on the constitution, and the necessity of preserving that sacred instrument.

Mr. ARCHER said he had become very sensible that the motion now under the consideration of the Senate, and which he had himself proposed, was not the true way of bringing the sentiments of this body to the test. He had supposed when he reported the resolutions of the Committee on Foreign Relations, adverse to the adoption of the resolution from the other House, that the question would come up upon the resolutions from the committee. He was advised that it would not; and he then submitted the motion for indefinite postponement. This seemed to him to present no question at all in relation to the subject now under consideration. He therefore proposed to withdraw that motion, if the Senate would give their general consent—for the general consent was required in cases where the yeas and nays had been called—that the real question presented might be upon the resolution from the other branch of Congress, to which some gentlemen might wish to offer amendments.

Mr. WOODBURY wished to know which motion the honorable chairman referred to.

Mr. ARCHER. The motion upon indefinite postponement.

Mr. HAYWOOD. The question then recurs upon the resolutions now before the Senate.

There being no objection, the motion of indefinite postponement was withdrawn.

The CHAIR then explained that the House joint resolution was now up in Committee of the Whole, and open to amendment.

Mr. BERRIEN said he had hoped that, upon a question so grave and interesting as this was—one which had been subjected to a very earnest discussion, we should not be pressed without notice to its final decision by calling the question. He desired to express his views to the Senate upon this subject; and he felt that he was particularly called upon to do so, by the position in which he stood to this question. With the indulgence of the Senate, he would endeavor to do so; but he would ask that the decision of the Senate might not be precipitated by an immediate call for the vote; and as he had been necessarily engaged in the performance of duties assigned to him by the Senate elsewhere until the present moment, he would avail himself of their indulgence to proceed in the discussion this afternoon, if they would consent to take a recess for an hour.

Mr. HARRIS moved that the Senate take a recess till 4 o'clock.

Mr. SEVIER suggested to the honorable Senator from Georgia the propriety of going for a short time into executive session.

Here some conversational discussion as to this proposition ensued; and the suggestion was not agreed to.

Mr. BERRIEN said the Senate would perceive that it would be very inconvenient to get back by 4 o'clock, no provision having been made for this recess.

The hour of five was named, and agreed upon.

## EVENING SESSION.

## Annexation of Texas.

[Mr. BERRIEN, who was entitled to the floor, being indisposed, did not address the Senate.]

Mr. McDUFFIE said he had come to the Senate without a single note of preparation, or the slightest expectation of saying any thing upon this question now, or at any future time. He had hoped that the vote was to be taken to-night, and with that expectation he had left a sick bed to record his vote in favor of this measure. In order, however, that the precious time of the Senate might not be misspent, so far as this question was concerned, he was willing, with scarcely the physical ability to stand upon his feet, to say all that he deemed most important that he should say upon this subject. He thought, however, that he was better prepared, as many others had frequently found, in the circumstance that he had made no preparation at all. When we have any thing to say impromptu, we are very apt to think more intensely upon it than when we lean upon previous preparation.

He should proceed, then, at once to the great preliminary question: Has Congress the power to admit a new State into the Union, arising *without* the limits of the original territory of the United States? That seemed to him to be the only question involved in the passage of this resolution. It appeared to him that there was an alternative view that must be perfectly obvious, arising from the general arguments maintained by every Senator on the other side. He believed there was not a Senator who had addressed the Chair on that side of the house, (excepting, perhaps, the honorable Senator from Massachusetts,) who had not admitted that the Government of the United States, through one of its departments, may acquire territory, and that the Congress of the United States may admit new States, erected out of that territory thus acquired. Now he contended that this proposition could not be maintained, without totally abandoning the great fundamental principles of the constitution. What was the elementary proposition laid down upon this subject, and the only one upon which honorable Senators could stand?

It was a very brief clause of the constitution—that "Congress may admit new States into the Union." But in this there is no such limitation as presumed. Senators must stand upon the plain express grant as it is, or they can stand upon no ground at all. There were no other means by which they could reach this great object. How did the question stand,

then? Did the framers of the constitution intend that Congress should admit new States which should arise upon any other territory than this? Are we confined to this territory, or are we not? The honorable Senator from Massachusetts, (Mr. CHOATE,) and the honorable Senator from Virginia, (Mr. RIVES,) said the power of Congress to admit new States was confined to territory within the limits of this Union; and yet they admit that if the treaty-making power acquires territory, we can, one hundred years hence, admit States arising upon that territory. Such a doctrine as this was in violation of the constitution in every sense. This was the simple alternative: the framers of the constitution either intended—as honorable Senators had said—to confine the power of Congress to the admission of territory that existed within the limits of the Union, at the time of the adoption of the constitution, or there was no limitation at all in relation to the admission of territory.

The honorable Senator from Virginia had devoted about one-half of his argument to demonstrate a proposition which was self-evident, that the treaty-making power is exercised by the President and the Senate. What is a treaty-making power? What is a treaty under the Constitution of the United States? A treaty is a compact with a foreign nation, made by the President and the Senate, two-thirds concurring. The honorable Senator made a very great advance in his argument by saying that the power to make treaties was exclusively vested in the President and Senate. In sustaining this proposition, the honorable Senator had devoted an hour and a half to prove what was self-evident, and written upon the face of the constitution. He (Mr. McD.) did not believe a word was said by that gentleman as to what were the proper subjects for a treaty, and that belonged to the legislative power of Congress. Did gentlemen on the other side find in the constitution such a rule as this, that territory can only be acquired first by the treaty-making power, and then admitted by Congress? It was not so written in the constitution. They must have arrived at that conclusion by some ingenious metaphysical process; and although he was once in some degree a metaphysician himself—he thanked God he was not so now—he confessed he was really unable to comprehend the mode of reasoning by which they had brought themselves to such a conclusion. It was ingenious beyond all comprehension, to show that the framers of the constitution had actually limited the power of Congress to the admission of new States arising upon the territory then existing within the Union, and yet, that they meant that we should only acquire foreign territory by an inferior power of the Government. If this argument was really just, why was it not so written upon the face of the constitution? Was it to be found in the constitution? Was there any thing said there to prove that territory can

be acquired at all by the treaty-making power? No; the power to acquire territory by treaty was not set down in the constitution by any express grant. Which was the power, the legislative or the treaty-making power? Honorable Senators said it must be the treaty-making power, and maintained their arguments by raising analogies of other Governments—because in the Governments of Europe it was the fashion to acquire territory by treaty. Did they not recollect that, in all the powers of Europe the war-making and treaty-making power were vested in royal hands? In England it is the Queen who declares war in all her majesty: It is the Queen who wields the lance of Mars. In all the powers of Europe the royal or ministerial powers declare war, and make war, and terminate war by treaties. With them the war-making and treaty-making powers are vested in the same hands. You find that territory is acquired by the same hands. And how was it with us? There was one mode of acquiring territory, which every Senator here admitted—and he was sure the humblest member of the Federal Convention must have had that in mind—which belonged exclusively to Congress, and that was by conquest. The power of declaring war was exclusively vested in the Congress of the United States; and the power of carrying on that war, and all the powers connected with it—the power of raising an army, and the power of keeping navies—the power of raising revenue to sustain those armies and navies, and all the machinery of war,—all were given exclusively to Congress, as well as the power to declare and to make war. Suppose some wrong to be committed upon the United States by Mexico, which the United States should deem sufficient justification for the declaration of a war of conquest against Mexico; suppose that war was to be declared to-morrow: who would declare it? Go further: suppose the country conquered. You have sent fifty thousand men by land, and fifty thousand by sea by a navy of fifty ships of war—all by the direction of Congress: Suppose the territory of all Mexico proper conquered: Is not that a form of acquisition conformable to the constitution? He doubted whether the idea of purchasing territory with money ever entered into the heads of the framers of the constitution at all. But to follow out this idea of conquering Mexico. We conquer Mexico: the powers of that Government submit: what agency had we with the treaty-making power in this acquisition? It was true, the President and his council of two-thirds of the Senate had his important functions in carrying on this war; but he merely had an office to perform under Congress, like every other agent. The war is ended, and the conquest made. Would the honorable Senator from Massachusetts tell him if that conquest would not be complete—if our title to it would not be complete—without consulting the President and the Senate, the treaty-making power?

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To be sure, as a matter of convenience, if we should not conquer the whole territory, but only some of the northern provinces, in order to get the consent of the remaining provinces it would be necessary to resort to treaty; but even in that case the conquest was made; the whole thing was complete, and the President and Senate in the paltry act of ratification did nothing more than the clerk who records the conquest, made through the agency of the power belonging to Congress; and yet this little treaty-making power—this power, conferred upon the President and his council, the Senate—was regarded by the honorable Senator from Virginia, as the great conservative power to which the framers of the constitution looked for the salvation of their country against the iniquity and wickedness of the whole Government—against the President, Senate, and all the members of the national legislature, acting together!

Thus, the principal mode of acquiring territory, in the contemplation of the framers of the constitution, was by war—which power they exclusively delegated to the Congress of the United States. It appeared to him that if we were to distinguish between the powers of acquiring territory, we must naturally refer to the power which only can declare war.

Suppose another case. There was but one other mode, he believed—for he looked upon discovery as no mode at all—in which territory could be acquired, and that was by purchase. Now, in regard to this thing of purchase, if his historical reading had not misled him, or if his memory was correct as to what he had read, he was rather under the impression that political philosophers in England, in speaking of the acquisition of dominion over that territory by William the Conqueror and his associates, set it down as title acquired by purchase, and held the expenses incurred in acquiring that territory as quite equivalent to the acquisition by purchase. He should say, as a rule, that the power in the Government that could acquire territory by conquest, naturally implied that the power was vested in that department also, as a necessary consequence, to acquire it by purchase.

But there was a much stronger reason than this. Suppose we buy Texas or Mexico for money by making a specific contract, as in the case of Louisiana or Florida; Louisiana for fifteen millions, and Florida for ten millions: what are the elements of the contract? What were the elements of the contract? We contracted to pay them ten and fifteen millions of dollars. Could the President, with two-thirds or three-fourths of the Senate, raise one cent of this money? Could they raise one cent of revenue? Could they raise money enough to pay their own salaries? They had no power at all in the collection of it; and yet they are to make a contract, which consists in paying money on our part, without the power to raise

one cent of it! This was against all analogy. It was against all those analogies drawn, not from the practices of other Governments, but from the Constitution of the United States, and its express grants.

Congress had the express grant of raising revenue, and appropriating money; but gentlemen argue that Congress has nothing to do with purchasing foreign territory. Mr. Jefferson in the purchase of Louisiana, according to his recollection, and Mr. Monroe in the purchase of Florida, first required Congress to appropriate the means. Mr. Jefferson asked the sum of twenty millions of dollars for certain mysterious purposes connected with our foreign relations. [Mr. BUCHANAN said that was too large a sum.] He was pretty sure that was the amount of the appropriation for this secret service. He knew this, that he had often heard it stated as a part of the history of the times, that Mr. Jefferson would not move in this purchase until he got the sanction of Congress by this secret appropriation. Mr. Jefferson knew too well the disposition of power, not to know that all the power in making contracts belongs to Congress exclusively.

Without any sort of qualification therefore, he (Mr. McDURRIS) should say, if this clause authorizing Congress to admit new States into the Union did not exist; if there had been no clause upon the subject; that if foreign territory was to be acquired at all, the power properly belongs to Congress. By a strange inversion of rules, gentlemen take for granted that the framers of the constitution looked upon the President and two-thirds of the Senate as a sort of sacred security, subject, like the sacredness of kings in some countries, to none of the frailties of our nature. When the honorable Senator from Virginia, who was really instructed in all the branches of the Government, looked at the President and two-thirds of the Senate as the great guarantee against mischief of every description, did not the gentleman recollect what was the difference in the formation of the constitution, between a majority of the Senate then and now? He would tell him. A two-thirds majority of the Senate then—thirteen States, twenty-six votes—was four. A majority was fourteen. Two-thirds of the Senate eighteen—difference four. Now, the honorable Senator perhaps believed that these illustrious patriots, so often enulogized as more than men, who formed the Constitution of the United States, regarded a miserable squad of four Senators, miserable frail beings as we are, as a safer depository of power than the whole of the departments of the Government united. Did the framers of the constitution actually suppose that the President, with this corps of four Senators, furnished a much better security against abuse of this power of carrying on a treaty with a foreign nation, than that popular branch of the national legislature, coming directly from the people?

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TUESDAY, February 25.

Mr. BAGBY being entitled to the floor, rose and addressed the Senate for two hours and a half.

Mr. BAGBY observed, after a few remarks indistinctly heard, that the Senate would do him the justice to say, from the beginning down to the present stage of this discussion, however much he may have sinned in other respects, he had not trespassed on its patience in regard to the question which involves the annexation of Texas to the United States of America. In regard to this question, he had pursued a course that, perhaps, best became him. He had listened to the arguments of those whose experience, age, and position gave them infinitely more claim to the attention and consideration of the Senate, than any thing he could possibly assert or claim; but although he had been thus respectful, as he designed and was determined ever to be, it was never his intention, from the time this question first presented itself to the American mind, or to the consideration of the Congress of the United States, to forego that privilege which belonged to him as a man, as an American citizen, and as a Senator, of expressing freely, fearlessly, and openly those opinions which amounted to the most absolute conviction of duty upon his mind. Such had been his course, such had been his intention, and such was now his determination.

The question now before the Senate, relieved of all its embellishments, and stripped of all disguises, was nothing more nor less—for he intended to state it in all its force precisely as he knew it to be—than whether the Congress of the United States has the power, derived from the constitution of the country—not to admit *new* States, because he would go into no technical speculation in the investigation of this case, but rather choose to present it precisely as it appeared to him, in the exercise of that high and solemn duty which he was now called upon to perform—but whether Congress has the power, derived from the constitution, to admit *foreign* States into this confederacy. That was the point to which he intended to direct the greater portion of the arguments which he intended to submit upon this question. It had not been his practice, either in public or private life, to dodge around a question upon which he had been called upon to act; and it never would be his practice. And so far as concerned himself personally—greatly as he valued the statements and judgments of others, greatly as he appreciated that public judgment which was said to have been pronounced upon this question—standing here in his character of a Senator, covered with the sacred panoply of State sovereignty, he blotted out all construction upon the determination of a constitutional question. That question

he determined for himself, recognizing, in the settlement of it, no other responsibility than that which, as an humble, frail, transitory, and fleeting mortal, he felt for the God who made him. What! was he to be guided by Senators on the other side of the House! or was he to be told by Senators on this side that a constitutional question is to be decided by the result of a presidential election? God forbid! He had some constitutional principles—he had some moral principles—some conscientious principles, and if these were to be surrendered for the acquisition of this measure or the success of that—if one or the other had to give away, he said let it be the measure, or all the reasons that statesmanship could devise, all the arguments that human ingenuity could invent, would be thrown away upon him, when on the one hand he had to weigh the results of the presidential elections, or popular movements, or party tactics, and on the other the constitution of his country. For one, therefore, at the start, speaking for himself individually, he denied here that any constitutional question ever had been or ever could be settled by the result of a presidential election. He saw from the time he came here, and he saw with mortification and regret, that, although we came here, according to the understanding of our constituents, for the purpose of enacting laws for the good of this great and glorious republic, the tariff, Texas, and every great question presented to us, was made to yield and bow down to the judgment which was said to have been pronounced in favor of the constitutionality of those measures in the election of the chief magistrate of the United States. The habits of his life, his reflections, and the operations of his mind, had all been popular—all on the side of the people; but it could not be expected that they should understand thoroughly those abstract and intricate principles that enter into the consideration of a great constitutional question; and, therefore, he undertook to say that it was impossible to determine and settle this question in a mere popular election. He asked in the name of the American people—he asked in the name of reason and common sense, what would become of the constitution of this country, if the doctrine was once to prevail that these questions are settled at the popular elections throughout the country? We were all told that the constitutionality of a Bank of the United States, and of a protective tariff, had been correctly settled at the ballot box. It might be so; but he would ask Senators if, in settling their great constitutional questions, they settled them at the ballot box? He therefore laid down this proposition, without any fear of offence to the American people, that neither the American people, nor the people of any other country, were competent to the determination of those great abstract questions which enter into the consideration of the con-



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stitution. This might be popular or unpopular; but in his judgment it was the case, and he had no fear in expressing his opinions.

To go back to the great question involved in the resolutions from the House of Representatives now before the Senate. We had been told that the constitution of the country—upon which he should stand while he was a public, and while he was a private man—in terms not to be misunderstood, in its palpable, plain, and obvious letter, provides for the admission of new States into the Union. And it does provide for the admission of new States into the Union; and he was determined, "sink or swim, stand or fall, survive or perish," to preserve, as far as depended upon him, that instrument as he received it from the hand of our glorious ancestry. What is the language of the Constitution of the United States, under which this power to admit, not new States, but this foreign State, into the Union, is claimed? He had not read this clause lately, and he had not the book by him, for he did not much encumber himself with papers, and he was sorry to say he did not much annoy himself with books; but there was a plain, simple expression contained in the constitution, which all of us learned long since, and which every Senator must have become acquainted with before he was entitled to a place on this floor; and what was that? "New States may be admitted by the Congress into this Union." He was told, and told by some of those to whom, upon other subjects, and for whom, upon other occasions, he would concede every thing, that it was a grant of power without limitation, and as broad as the universe. Not so. He was not about to amuse the Senate, when powers so much better than his had been employed upon that subject; but he was going to adhere to the plain letter and the language of the constitution, and to show, if within his power, what was the obvious intent of the framers of that instrument. "New States may be admitted into this Union:" agreed. What follows? "But"—and it must be remembered that *buts* are the most formidable things that we have to contend with through life—"but no new States shall be formed out of the large States"—he was not giving the words precisely, but the meaning,—"without their consent." That satisfied the large States. "Nor shall any new States be formed by the union of small States, without their consent." This was the grant and these were the limitations—these the limitations and restrictions. And what does it amount to? To this: that new States may be admitted by the Congress into this Union, but they shall not be admitted in the two modes which the constitution expressly prohibits. He desired to ask his friends, whigs and democrats, what the great and illustrious framers of the constitution were at when they employed this phraseology? As he understood it, they were at this: they were forming a constitution for

themselves and their posterity. They were forming a Government for themselves and for us. It was contended, however, that it could not be supposed, or presumed, according to the state of things which then existed, that these men, illustrious and sagacious as they were, could never have been able to look further along the line of time than not to see that the time would come, according to the progress of events, and the great natural law of the increase of population, when other States would have to be admitted into this Union than those already existing. He was not disposed to intercept one ray of light that emanated from those great and illustrious patriots; and according to his understanding, they had formed a constitution not only perfect in all its parts, but perfect as a whole. They had provided, according to the dictates of their judgment, not only for all the cases that had occurred, but for the very case now before us. There is no difficulty in regard to the question of the admission of Texas into this Union, or the annexation of Texas to the United States. They had not, as had been said here, conferred all the power upon the two Houses of Congress; but as statesmen and patriots, they had confided certain powers to other departments of the Government. This was the form in which this question was placed by the framers of the constitution, and he took it from that article which was deemed to be sustained by precept upon precept: that new States might be formed out of such territory as belonged to the United States under the treaty of 1783, and such other territory, and such other people, as might be acquired according—not *any how*, because he wished his friend from New Jersey (Mr. MILLER) to understand from him for one, as a politician and a constitutionalist, he did not belong to the *any how* class—to the great principles of liberty. There might be those who really misunderstood, and others who pretended to misunderstand—though he charged no man—how it was that new States could be constitutionally admitted or formed, out of territory beyond the limits of this confederacy; but there was no man, great or small, having in view the plain, indisputable meaning of the words in the constitution, who, in his humble judgment, could come to any other conclusion than that this power is given by the constitution. We are told in the preamble that they were framing a Government for themselves and *their posterity*.

Here Mr. B. quoted the preamble of the constitution, and commented upon it at large.

How, then, was this act to be done? He was not a prophet, or the son of a prophet; but if it could be done—and he prayed God it might be done—it could only be done in one way, and that was the mode intimated at a previous stage of this debate by the Senator from Missouri. By adopting that mode we get clear of all the difficulties that embarrass this

question. He was very well aware of the dangers that beset the path of every man who undertakes to intercept the accomplishment of an act having in view a great object like this. Upon this, and all other questions, the people of this country had a right to judge and determine; but they had only determined one thing in regard to this question; they had determined that they were in favor of the admission of Texas into the Union, but not that it should take place in violation of the federal constitution. If this thing could be done according to the forms of that instrument, he was in favor of it; but if he was to determine between the admission of Texas as a State into this Union in violation of the constitution, and the preservation of the constitution, let it involve what it might to him with that people, he went for the constitution.

He did not look upon this as a Southern question, a sectional question, much less a local question. It mattered not whether he came from the North, South, East, or West; he was an American citizen, and he looked upon it as an American citizen, not as a Southern man. He came here to ask no sectional, no Southern favors.

Mr. B., after further remarks illustrating his views, avowed his conviction that Texas could be admitted into the United States under the provisions of the constitution, in the manner proposed by the Senator from Missouri; and if the joint resolution should be amended so as to conform to those provisions of the constitution, it should receive his support.

Mr. UPHAM next obtained the floor, and spoke for about an hour.

He said the people of Vermont were opposed to the annexation of Texas in every shape and form, no matter how it may be presented. Not in any unkind spirit to Texas—for, as a sister republic, the people of Vermont would be glad to see her free, independent, and successful in her career; they wish to see her going on her way rejoicing—but they never would consent to the palpable violation of the constitution, which the measure now under consideration proposes.

This joint resolution he considered the result of an appeal made by the Executive to the House of Representatives, against the decision of this body upon the treaty of last session. And now the judgment of the House on that appeal is sent here for the approbation of the Senate.

The joint resolution, if adopted, would be the means of dismembering and breaking up this Union. We had got along prosperously for fifty years, without resorting to any such extraordinary and unauthorized exercise of power as this. It would startle the fathers of the constitution, if they could return to this earth and witness this assumption of power under that instrument.

He commented upon the terms and requisitions of the joint resolution, pointing out

various objections which presented themselves to his mind.

Mr. U. next entered upon the constitutional question, and argued it at great length, quoting the history of the convention, concurrent accounts of the peculiar situation in which Vermont was at the time, and of the various propositions of amendment brought forward during the formation of the constitution. In view of all this, he concluded that the proof was indubitable, that no such power was intended to be granted as that assumed for the passage of this joint resolution.

The people of Vermont were opposed to annexation on the ground of expediency, as well as on that of constitutionality. First, because it would be a breach of faith with Mexico. Next, because it would be an extension of the three-fifths representation of the South. They are satisfied to abide by the constitution, as far as it already authorizes the three-fifths principle of representation; but they are utterly opposed to its extension to new slave territory. Another objection the people of Vermont had to the annexation of Texas, was with regard to the injurious effect which they conceive would result to them from this additional force to the voice of the free-trade portion of the country injurious to the protective system.

Mr. CRITTENDEN obtained the floor, and hoped there would be no objection to an adjournment. He desired to address the Senate. There was now very little doubt the vote would be taken to-morrow. He would move an adjournment.

Mr. ARCHER observed that the adoption of the motion to adjourn would not cause any delay of the period when the question would be taken. The Senate might enter upon the consideration of the subject at an earlier hour, and after the Senator from Kentucky (Mr. CRITTENDEN) and himself had been heard, it might be decided.

Mr. BUCHANAN hoped that the motion to adjourn would be acceded to, with the understanding that the Senate would commence at an earlier hour to-morrow, and decide the question.

Mr. ARCHER assented, and said that the question might be disposed of immediately after the recess.

Mr. ALLEN said that, before he gave his assent to the motion to adjourn, he desired to know who intended to speak on the opposite side of the question.

Mr. ARCHER said he was not aware; but he supposed that no one except the Senator from Kentucky (Mr. CRITTENDEN) and himself.

Mr. SEVIER remarked that, according to the rules of the Senate, the joint resolution could not be finally disposed of to-morrow, unless by the unanimous consent of the Senate. Suppose it were ordered to be engrossed, any one Senator might object to taking the question upon the passage until the next day; and thus the resolution would not be sent back to the House

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until Friday. If such were the case, it was evident that the resolution would fall through. He therefore asked that the unanimous consent of the Senate should be given to take the question on the final passage of the resolution to-morrow.

Mr. ACHER could assure the Senator from Arkansas that there would be no disposition on the part of the opponents of the joint resolution to defeat it in that manner.

A general acquiescence in these suggestions appearing to be given,

The motion to adjourn was put, and carried without a division.

So the Senate adjourned at 10½ o'clock P. M.

WEDNESDAY, February 26.

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The Senate then resumed the consideration of the joint resolution from the House for annexing Texas to the United States.

Mr. CHITTENDEN observed, that he rose to address the Senate with an embarrassment which he seldom felt in addressing this body. The subject under discussion was one of immense magnitude; not only involving the question of the extension of this Union, but that of the preservation and duration of the great charter, the constitution, upon which this confederation rests.

He could have forbore the expression of his opinions, had it not appeared important to other Senators to make known their views, and he did not feel willing to let his silence be attributed to any backwardness of avowing openly his own sentiments.

He then stated the principles of the joint resolution under consideration; and instituted an inquiry into the granted powers of the constitution upon which the action of Congress was now invoked. He proposed, first, to examine the arguments upon which it was assumed that the powers granted in the fourth article of the constitution extended to the admission of States erected out of foreign territory, or foreign States already formed. In pursuing this examination, he should confine gentlemen who designated themselves, *par excellence*, strict constructionists, to their own doctrine. He quoted the provision of the fourth article that "new States may be admitted by the Congress into this Union," and commented upon the construction which alone should be the guide of legislation, and asked how could the express grant be applied as the friends of annexation applied it, without opening it up to such a latitudinous construction as would be wholly at war with the nature of the instrument in which it was found, and the natural inference of the intention of the framers of the constitution? Could it be imagined by any candid and dispassionate mind—a mind divested of predilections to arrive at a foregone conclusion—that if it had been contemplated by the framers

of that instrument to authorize the admission of foreign States or foreign territory by act of legislation, they would have left such a vast and important power indefinite, and hidden in mysterious expressions, wholly dependent upon construction and interpolation? To suppose such a thing was to suppose what was contrary to all reason. Was it to be supposed that the wise, jealous, and cautious men who weighed and deliberated upon the grants of power so long and so carefully, would, if they intended that foreign States and foreign territory should be admitted by Congress at its discretion, have forbore the expression of their intention in clear and explicit terms, which could not be misunderstood?

Mr. C. reviewed at considerable length the arguments urged throughout this debate by the friends of annexation, commenting on each and dissenting from all, and in many instances insisting that gentlemen had totally misapprehended the authorities upon which they relied.

He did not intend to undertake the task of defining the exact line of demarkation between the legislative and treaty-making power. He argued with the Senator from Alabama, (Mr. BAILEY,) that there is a line. It would be sufficient for him to show, that the acquisition of territory was confined exclusively to the treaty-making power. He quoted Justice Story's definition of the power to make treaties. It might be that some parts or portions of the subjects enumerated by Justice Story may be regulated by law. Justice Story says the treaty-making power embraces the power of treating for peace or war, regulations of commerce, or for territory. Did not, then, the treaty-making power embrace the case of acquiring territory? Mr. C. directed much of his review to the remarks of the Senator from South Carolina, (Mr. McDUFFIE.) He also reviewed the remarks of the Senator from New Hampshire, (Mr. WOODBURY,) and of the Senator from Mississippi, (Mr. WALKER.) In the course of this extensive range of review, Mr. C. quoted largely from the Federalist, and other authorities, for the purpose of establishing his position, that the power to admit new States into the Union was confined exclusively to the admission of States arising out of the bosom of the old thirteen States, and territory in their neighborhood—the *neighborhood* meaning the territory belonging to the States, but out of the limits of the State confines. He next touched upon the functions of the treaty-making power, with a view of showing that, from their very nature, and their possible effects upon our foreign relations, the power was lodged where it ought to be lodged, in the Executive and Senate; and he argued that the experience of the Government, before the adoption of the constitution, had proved the inconvenience and impropriety of exercising the power by Congress. He denied the position assumed by the Senator from South Caro-

lina, that Congress has the power to declare war and make peace. Where, he would ask, was the power of making peace given to Congress by the constitution? Would the Senator tell him how Congress could make peace?

Mr. McDUFFIE. Yes, sir; by disbanding the army and navy. [Laughter.]

Mr. CRITTENDEN. That would not stop the war.

Mr. McDUFFIE did not presume the Executive and Senate would undertake to carry on the war after Congress disbanded the army and navy.

Mr. CRITTENDEN. No, sir; but it would be a very good time for the enemy to carry on the war. [Great Laughter.] Mr. C. continued his review of the treaty-making power. In the course of his remarks, he referred to Mr. Jefferson's opinions concerning the power of acquiring territory.

He maintained that, if it can be acquired by this Government, it must be exclusively through the treaty-making power. It was admitted by the Senator from South Carolina that territory might be acquired *properly* by treaty; but it was denied by him that the acquisition of it belonged *exclusively* to the treaty-making power. Now he (Mr. C.) held that, if foreign territory can be acquired *properly* by the treaty-making power, it is *exclusively* by that power, and that alone, in this Government, that it can be acquired.

He admonished the Senate to hold fast to the prosperity of the Union as it is; not to attempt expanding its territory—not to hazard any thing by dangerous experiments. He denounced the idea of grounding any course of policy upon apprehension of the grasping power of England. He feared nothing himself from England, or any other power; his fears were as to the destruction of our own constitution and institutions by novel and dangerous experiments.

His objections to the annexation of Texas were founded upon public considerations. Some of these had passed away, and others were passing away. They may yet be wholly removed. He feared, at present, the measure would disturb our foreign relations. It was, in his mind, unwise to act upon it now. The people have not had an opportunity of expressing their will upon the subject at the ballot box. The question was started for purposes of presidential election, since the people last appointed their representatives. Let the matter be postponed till the people can speak; and let its consummation be reserved for the in-coming administration. But to do it in an offensive way, at an improper time, and by unconstitutional means, can excite nothing but hostility to the whole movement and its authors.

He looked forward to this measure as one of the most vital importance to this country. Be patient and be just, and all may be well. The hand that grasps ambitiously, dishonestly,

or unlawfully at the plunder of others, particularly when they are in a defenceless condition, is sure to be festtered with the leprosy of dishonor and disgrace. He objected to the consolidation of all the powers of Government into the hands of a bare majority, to favor this measure now.

Mr. ADOAMS next obtained the floor, and addressed the Senate for upwards of an hour.

He rose, he said, in right of the position assigned him in the Senate of the United States, (as chairman of the Committee on Foreign Relations,) to address the Senate in conclusion of this debate.

No man could enter into this discussion with a more solemn appreciation of the great magnitude of the question now at issue, than he did. In that question was involved the preservation or destruction and entire overthrow of the constitution. The question was, whether we are to have a constitution for ourselves now, and whether our posterity for ages to come are to have a constitution.

He knew full well that the annexation of Texas is ordained; that it is the will, not alone of a majority of the people, but of a very large majority of the people of his own constituency. To his constituency he yielded the question of expediency, and respect for their decision on that point would, if nothing else interposed, have due influence on him. But if the whole embodied will of the people of his State, or of the Union, were here and presented to him in favor of that expediency, it could not prevent him from interposing his voice against the violation of the constitution, even for the accomplishment of their will.

If he found that will running counter to the constitution, it was his determination to open his breast in opposition to it.

He asked gentlemen who had discovered in his report an admission—and he now reiterated it—that there is a constitutional mode of admitting Texas into the Union, why they did not abandon the unconstitutional mode which they propose, and unite with him in resorting to the only constitutional and undisputed mode of admission? What did this joint resolution, sent here by the House of Representatives, propose to do? To set down in a schedule a list of requisitions, which we enjoin Texas to comply with. What possible power could we assume under the constitution of commanding or requiring Texas to do these things?

One evidence of the determination to override every obstacle—constitution, and every thing else—to arrive at the consummation of this object, was to be found in the first proposition on the subject, offered to the Senate this session by the Senator from South Carolina, and in the other House by the chairman of the Committee on Foreign Affairs. Both were in the identical words of the treaty which the Senate had rejected last session by a large majority. This, he said, evinced the determination with which the measure was pursued.

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Mr. A. here entered upon the question of the constitutional power of Congress to form compacts with foreign Governments, which may properly be made by the treaty-making power, and reviewed the positions taken by the friends of annexation.

He then passed to what he considered an often-repeated axiom—so often repeated, as to become a form of slang—that, on the success of the experiment of this federal republican government depended the extension of freedom throughout the world, and the assertion of public liberty everywhere. In that principle he concurred. He reviewed the character of this Government, as contrasted with that of Governments of despotism, and recalled the history of our revolution.

This is a Government of balances and compromises; intended to extend over the larger part of this continent, and involving a great diversity of classes of interests. Our discussions in national legislation were evidences of this diversity of interests. We were all familiar with the opinions of those favorable to free trade, and of those in favor of the protective system; of those attached to Southern interests and those favorable to the free States. If the doctrine, by which the proposition now under the consideration of the Senate was advocated, could be admitted as a principle of legislation—that it was necessary to do this thing to sustain particular interests—would not that principle be in direct opposition to the very principles of confederation upon which this Government was founded, and entirely at variance with the intention and object of its framers?

He adverted incidentally to the balance of political power assumed by abolitionists in various portions of the country; and predicted the power which they, though composing so small a minority, would have in forcing their influence to be felt in legislation, both State and federal. He depicted the consequences which he conceived must result from this fanaticism, and denounced the authors of the dissolution which must ensue.

He commented at some length upon what he considered democratic doctrines, with a view of showing that, if carried out on the principle of the proposition and means of accomplishing it now proposed, the same arguments would lead to the introduction of Cuba, Hayti, and the West India Islands into this Union, and colored representatives in Congress; and, as a necessary result, the people of the North would insist on getting in New Brunswick, Newfoundland, and Canada, on the plea that a balance of power was guaranteed and intended by the constitution. After acquiring these immense territories north and south, then comes the question of the rights of man.

It was not a question merely of the breach of the constitution, but of the overthrow of all the checks and balances of the constitution. It was the question to be decided on the battle-

field—the Pharsalia battlefield, in which was to be determined whether a great republic or a Caesar is to be overthrown—the Caesar of “progressive democracy.”

A blow parricidal is now aimed at the Constitution of the United States. So much earth as—comparatively speaking, vile earth—as could be grasped in a man's hand, was to be accepted in barter for the noblest charter of the noblest institutions ever raised by the wisdom of man.

Mr. JOHNSON explained his position in reference to this question, and stated his willingness to vote for the constitutional proposition for annexation, if presented to him.

Mr. WALKER offered the following amendment, to come in as an additional section:

*And be it further provided*, That if the President of the United States shall, in his judgment and discretion, deem it more advisable, instead of proceeding to submit the foregoing resolution to the republic of Texas as an overture on the part of the United States for admission to negotiate with that republic, then

*Be it resolved*, That a State, to be formed out of the present republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Governments of Texas and the United States.

SEC. 2. *And be it further enacted*, That the sum of one hundred thousand dollars be, and the same is hereby appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.

Mr. ALLEN called for the yeas and nays; which were ordered.

Mr. BERRIEN did not hope to be able to influence the question by any thing he should say, but he asked if gentlemen were going to precipitate the vote on that important amendment. He claimed as a right, as an American Senator, time to consider it. A recess could be taken till 5 or 6 o'clock, and in the interval it could be investigated. The only interval he asked was that of the recess. He moved to take an interval till 6 o'clock.

Mr. WALKER said the amendment had been offered and debated twenty days ago, and printed.

Mr. ORITTENDEN thought there was an inconsistency between the House resolutions and the amendment.

Mr. BARROW thought this the most extraordinary proceeding he had ever witnessed. Many seats were vacant. He considered it unfair, and he hoped gentlemen would not persist in putting it to the vote on the instant. If they did, his side would prevent it by speaking on till the 4th of March. The request of

a recess for an hour and a half was so reasonable, that he was surprised there should be any objection to it. He and his friends were willing that it should come to a conclusion to-night. He wanted to know if the question was to be put now? If so, he could talk two hours—whether sense or nonsense, was not material to him—if his friends could obtain time to examine and reflect upon the proposition. What was the resolution? He asked it to be read again.

The amendment was again read by the Secretary of the Senate.

#### EVENING SESSION.

The Senate was called to order at six o'clock.

The question pending having been stated by the Chair—

Mr. FOSTER rose, and called for the reading of the amendment of the Senator from Mississippi, (Mr. WALKER;) which was read accordingly, as follows:

*And be it further provided,* That if the President of the United States shall, in his judgment and discretion, deem it more advisable, instead of proceeding to submit the foregoing resolution to the republic of Texas as an overture on the part of the United States for admission, to negotiate with that republic, then

*Be it resolved,* That a State to be formed out of the present republic of Texas, with suitable extent and boundaries, and with two representatives in Congress until the next apportionment of representation, shall be admitted into the Union by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Governments of Texas and the United States.

SEC. 2. *And be it further enacted,* That the sum of one hundred thousand dollars be, and the same is hereby appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.

Mr. F. then proceeded to address the Senate. He commenced by apologizing for his absence from the Senate this morning when the vote was about to be taken. That absence was caused by the supposition that the Senate had taken a recess. It was not his purpose to harass the Senate at this late stage of the debate. His position was as well defined as that of any member of Congress—he had no secrets to keep, nothing to fear. He occupied the same position now which he did at the last session of Congress, when the treaty for the annexation of Texas was submitted to the Senate. He had not formed his opinions without due deliberation, and he would not change those opinions. He could not, dared not, and would not, abandon the ground he had taken upon the resolution which he had presented to the Senate, and which was presented to the other House by an honored colleague of his. That

resolution was prepared with the greatest care, and as long as those pillars which he saw before him should stand fast he should adhere to it. He wished to have no future Missouri compromises to settle here. He would not consent to agitate the question of slavery at a future day, when it might be settled now. We should secure the matter in this proceeding, or else we would repent of it hereafter. If we did not do this now, hereafter when new States formed out of the Texan territory, should apply for admission into the Union, the free States would say, "Stand back, and wash out the stain of slavery which defiles you." These States had said so to Missouri, and all remembered the scenes which took place when her application for admission into the Union was agitated. Courage and hope failed the stoutest hearts; and mothers, clasping their offspring to their bosoms, trembled at scenes that threatened the destruction of the Government, and the desolation that awaited the people. The South, he said, had already been driven back to the shores of the Gulf of Mexico; they would be next commanded to take the water. Would they do it? He, for one, answered—no! Even if solitary and alone, he would stand to his post and vindicate the rights of his people.

But it had been said by gentlemen that there was no danger for the South, because Mr. Polk had been chosen President; and Mr. Polk being a Southern man, would not sanction any measures conflicting with the permanent interests of that section of country. He (Mr. F.) would trust no such idea. When he was assured that ambition was extinguished from the heart of man, then he might think of trusting a subject like this to the discretion of a President. Until then, he would confide in no man; but would be heard in behalf of the rights of his people. He called upon every Senator from the South to cry aloud and spare not, to draw the sword and begin the fight in behalf of the rights of their constituents; for it was the duty of every one to take care of himself. He was no advocate of slavery in the abstract. Undoubtedly, slavery was an evil; but was it our sin? It was an inheritance; and given by whom? He pointed to the North whence the black man had been sold to the South. Slavery was now, like the shirt of Nessus, fastened on to us, and could not be got rid of. Where was its remedy? Let Senators say, if they could. He was a slaveholder, though not an advocate of slavery in the abstract. He, however, advocated the slaveholder for the virtues of his heart. He would desire to see those men, who made such an outcry against slavery, but who had never seen its practical operation, go to the sunny South, see how happy was the black man, and compare him with the white penury of the East. He (Mr. F.) was raised with the slave. He was a master, and the slave was his friend. When he went home, the slave came to him with

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words of affection and love; he hoped that he had a heart to return these sentiments. Were Senators willing to put it in the power of the fanatics to destroy all these associations, and to destroy a portion of our Government? For one, he intended to stand firm. He was a friend of annexation; but if the question of slavery was to be blinked, in order to catch Northern votes, he washed his hands of it. Should the amendment to the resolution of the House offered by the Senator from Mississippi (Mr. WALKER) be adopted, he should be compelled to vote against the whole proposition.

Mr. BAGBY said that, whatever difficulties might exist in the minds of other Senators in regard to the ultimate determination of this great question, humble and limited as were his views, he had seen his way clearly and distinctly before him from the beginning. He did not deny that, if this thing could have been accomplished in the form of a treaty, he should have preferred that form to any and to all others. He had voted for the ratification of the treaty presented at the last session; but the time and opportunity for acquiring it in that way had passed by. It was an entire misconception, however, (at least so far as he was concerned,) to suppose he was about to repose his constitutional obligations in the hands of the Executive, or any other power than that to which he was responsible—God alone.

In the course which he was pursuing, he feared no evil, but rested upon the approving voice of a quiet conscience, and, he had no doubt, the approbation of an enlightened constituency. He indicated clearly last night (which was not the fashion upon all occasions here) precisely how far he would go, and how far he would not go. He stated then, in terms distinct and not to be misunderstood, that this was a new case, differing from any of the authorities introduced by his able friend on the right (Mr. WALKER) in his argument, and therefore required a new remedy. He distinguished it then, and he distinguished it now, from a case which called for the intervention of the treaty-making power. If she were an independent foreign State, at the time this act was to take effect, whatever might be the consequence to him, that State should not, by his vote, have permission to enter this Union; because he verily believed that the constitution did not give power to admit *foreign* States. But the novelty of the case consists in this: that, by this act, she is not to occupy and maintain that position, but to place herself upon the footing of one of the States of this Union, and the treaty-making power is not necessary in order that this object may be arranged and provided for, but can be accomplished by cession provided for in the amendment.

If, then, Texas was, by the operation of this act, as amended, to be placed on the footing of

one of the States of this Union, provided she assents to its provisions, it only remains to inquire whether there is not a mode in which the whole object cannot be constitutionally accomplished without the aid of the treaty-making power. He thought it could; and that the plan proposed in the bill of his honorable friend from Missouri was entirely adequate to that object. It met with his entire approbation, as he had stated last night. He was not, therefore, reposing confidence in the President of the United States, although he would rest it there with great pleasure. He said this now, however, that if this discretionary power of the President was exercised in a manner contrary to the constitution, he would oppose it.

Mr. BATES said, if he understood the motion of the Senator from Georgia, (Mr. BERRIEN,) it raised this precise question—whether Congress has the power to admit a foreign State into this Union? It was agreed by all Senators, so far as he knew, that if a foreign State could be admitted at all, the treaty-making power was competent to acquire that territory; and it was said by the Senator from Kentucky (Mr. CRITTENDEN) to-day—to which no answer had yet been given—that if this power be vested in the President of the United States and the Senate, it is exclusively a power confided to them. Could the framers of the constitution have intended that, with the power of ratifying treaties by a vote of two-thirds of this body, Congress should have the same power by a naked majority? The amendment of the Senator from Georgia decided this question, and upon that he was prepared to vote.

The question was then taken on Mr. BERRIEN's motion, and decided in the negative as follows:

YEAS.—Messrs. Archer, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Francis, Huntington, Jarnagin, Johnson, Mangum, Miller, Morehead, Pearce, Phelps, Porter, Rives, Simmons, Upham, White, and Woodbridge—35.

NAYS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Buchanan, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Haywood, Henderson, Huger, Lewis, McDuffie, Merrick, Niles, Semple, Sevier, Sturgeon, Tappan, Walker, and Woodbury—26.

Mr. BUCHANAN said he did not rise to debate the question. He had heard some of his respected friends on this side of the House, in whose sincerity he had the most entire confidence, observe that if these resolutions should pass the Senate, the constitution would receive a mortal stab. If Mr. B. thought so, great as was the acquisition we were about to make, he should be the last man in existence to acquire the richest benefit the world could hold out to our grasp at such a price.

Mr. B. said he might have assumed the privilege of reply which belonged to him from the position he occupied on the Committee on Foreign Relations; but he waived it. Not be-

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cause the arguments on the other side had not been exceedingly ingenious and plausible, and urged with great ability; but because all the reasoning and ingenuity in the world could not abolish the plain language of the constitution, which declared that "new States might be admitted by Congress into the Union." But what new States? The convention had answered that question in letters of light, by rejecting the proposed limitation of this grant which would have confined it to States lawfully arising within the United States. The clause was introduced with this limitation, and, after full discussion, it ended in the shape it now held, without limitation or restriction of any kind. This was a historical fact. It could not be denied. Planting himself upon that fact, and having heard no argument which shook the position—believing, as he most conscientiously did believe, that the constitution would not be violated in the least by the adoption of the pending resolutions, he here entered his solemn protest against the solemn protests which had been made on the other side, and which went almost the length of implying that he, and the advocates of these resolutions, were knowingly and of design violating the constitution and their oaths to secure a favorite political measure.

This was the greatest public act in which Mr. B. had ever had the honor of taking an humble part: he should do it cheerfully, gladly, gloriously, because he believed that his vote would confer blessings innumerable upon his fellow-men, now, henceforward, and forever.

Mr. BERRIEN said he would not consent that this debate should close with the declaration of the Senator from Pennsylvania, (Mr. BUCHANAN,) that the convention had not determined the sense of the term "new States."

Mr. BUCHANAN rose to explain. What the Senator from Pennsylvania did say was, that at first the clause granting power to Congress to admit new States into the Union had been confined to States arising within the United States; but that after debate and a full discussion, the constitution was adopted with the clause in its present clear unrestricted form, written as in letters of light.

Mr. BERRIEN said that the proposition of the Senator, as first stated, meant much. Now, it meant nothing. At first, he said the question "what were new States?" was answered by the convention. It was upon these words "lawfully arising"—new States lawfully arising within the United States—that that question was decided; and he maintained that it was determined contrary to the proposition of the Senator from Pennsylvania. At first it was "States lawfully arising" and the "new," was substituted for "lawfully arising."

Mr. B. commented on the speech of the Senator from Alabama, (Mr. BAGBY,) who he declared was about to commit an inconsistency in voting for the resolution after the declarations he had made. That Senator had said he

could not sustain the House resolution; and yet he would vote for a proposition in which the President is invested with the power of admitting Texas either by treaty or legislation. By voting for this agglomerated resolution now before the Senate, the Senator would commit to the President all power over the subject.

Mr. FOSTER said he wished to record his vote properly; and therefore he called for a division of the question. He had always been in favor of the admission of Texas on proper terms. He believed either mode of admission would do; but the terms were important. If the amendment of the Senator from Mississippi (Mr. WALKER) was kept with the resolution, he should be compelled to vote against the whole proposition.

He believed that amendment had been placed there to qualify a great act—placed there by the opponents of the institutions under which he lived, and which were guaranteed by the constitution. He had no confidence in the North on this subject. It would crush the South if it could. It had already driven us to the borders of a gulf, and it would drive us into the briny ocean if it could. He was for the Union without Texas, but not for Texas without the Union. He was willing to vote for the House resolution; but could not vote for it ridden down by the amendment which had been appended.

After some conversation upon a point of order, the question was taken upon concurring in the amendment adopted by the Senate when in Committee of the Whole, (Mr. WALKER's proposition.) It was decided in the affirmative, as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Benton, Breese, Buchanan, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Huger, Johnson, Lewis, McDuffie, Merrick, Niles, Sample, Sevier, Sturgeon, Tappan, Walker, and Woodbury—27.

NAYS.—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Foster, Francis, Huntington, Jarnagin, Mangum, Miller, Morehead, Pearce, Phelps, Porter, Rives, Simmons, Upham, White, and Woodbridge—25.

Mr. CRITTENDEN then moved to strike out the whole of the House resolution. He wished to make the mode of admission definite. If it was the intention of Congress to admit Texas by treaty, let them say so; if by resolution, say so; but not leave the mode discretionary with the President.

Mr. McDUFFIE inquired if it was in order to move to strike out all of the resolution as it came from the House.

The CHAIR said it was, inasmuch as it had not yet been passed on by the Senate.

The question on striking out the House resolution was decided in the negative, as follows:

YEAS.—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Francis, Huntington, Jarnagin, Mangum, Miller,



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Morehead, Pearce, Phelps, Porter, Rives, Simmons, Upham, White, and Woodbridge—28.

YAYS.—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Benton, Breese, Buchanan, Colquitt, Dickinson, Dix, Fairfield, Foster, Hannegan, Haywood, Henderson, Huger, Johnson, Lewis, McDuffie, Merrick, Niles, Semple, Sevier, Sturgeon, Tappan, Walker, and Woodbury—28.

Mr. ARCHER said he could not hope to alter any man's vote now. The proposition before the Senate had taken a definite form. He, however, desired the country to know that the object desired by Senators—the admission of Texas—was to be accomplished in a manner which outraged the constitution. As the resolution now stood, no one could tell who was to exercise the function which was to consummate this act—whether it was to be done by the executive or the legislature. He was not, however, astonished at the mode proposed, when he considered the history of a certain class of politicians in this country for some years past. In order to test the sense of the Senate, he would again propose the substitute for the House resolution, which he had offered in Committee of the Whole.

The substitute was then read. [Reported above.]

Mr. HAYWOOD contended that it was not in order, because the whole resolution now consisted of what the Senate had acted on.

The CHAIR ruled it in order.

Mr. ARCHER's proposition was rejected—yeas 25, nays 27.

Mr. MILLER moved to amend the resolution by striking out all after "resolved," and inserting the following:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized and advised to open negotiations with Mexico and Texas for the adjustment of boundaries, and the annexation of the latter to the United States, on the following bases, to wit:*

I. The boundary of the annexed territory to be in the desert prairie west of the Nueces, and along the highlands and mountain heights which divide the waters of the Mississippi from the waters of the Rio del Norte, and to latitude forty-two degrees north.

II. The people of Texas, by a legislative act, or by any authentic act which shows the will of the majority, to express their assent to said annexation.

III. A State, to be called "*the State of Texas*," with boundaries fixed by herself, and an extent not exceeding that of the largest State in the Union, be admitted into the Union, by virtue of this act, on an equal footing with the original States.

IV. The remainder of the annexed territory to be held and disposed of by the United States as one of their Territories, and to be called "*the South-west Territory*."

V. The existence of slavery to be forever prohibited in the northern and north-western part of said Territory, west of the hundredth degree of longitude west from Greenwich, so as to divide, as equally as may be, the whole of the annexed coun-

try between slaveholding and non-slaveholding States.

VI. The assent of Mexico to be obtained by treaty to such annexation and boundary, or to be dispensed with when the Congress of the United States may deem such assent to be unnecessary.

VII. Other details of the annexation to be adjusted by treaty, so far as the same may come within the scope of the treaty-making power.

Mr. MILLER said this was the same proposition which was introduced by the Senator from Missouri (Mr. BENTON) last December.

Mr. BENTON [from his seat.] The Senator from Missouri will vote against it. [Laughter.]

The proposition having been read,

Mr. MILLER said that the speech delivered by the honorable Senator had made a strong impression upon him, and he hoped the Senator would not destroy his own child.

Mr. BENTON [from his seat.] I'll kill it stone dead.

[General laughter, with an attempt at cheering, suppressed by the President.]

The question was taken on this proposition, and decided in the negative, as follows:

YEAS.—Messrs. Archer, Berrien, Choate, Crittenden, Dayton, Evans, Francis, Miller, Phelps, Upham, and Woodbridge—11.

NAYS.—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Barrow, Benton, Breese, Buchanan, Clayton, Colquitt, Dickinson, Dix, Fairfield, Foster, Hannegan, Haywood, Henderson, Huger, Jarnagin, Johnson, Lewis, McDuffie, Merrick, Niles, Pearce, Rives, Semple, Sevier, Sturgeon, Tappan, Walker, and Woodbury—38.

The question recurring on the engrossment of the amendment, and ordering the bill to a third reading, it was decided as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Benton, Breese, Buchanan, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Haywood, Henderson, Huger, Johnson, Lewis, McDuffie, Merrick, Niles, Semple, Sevier, Sturgeon, Tappan, Walker, and Woodbury—27.

NAYS.—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Foster, Francis, Huntington, Jarnagin, Mangum, Miller, Morehead, Pearce, Phelps, Porter, Rives, Simmons, Upham, White, and Woodbridge—25.

Mr. BARROW objected to the third reading at this time.

The CHAIR overruled the objection.

The resolution was then read by its title.

Mr. BARROW inquired if it had been engrossed.

The CHAIR said it was engrossed; and taking the resolution from the Secretary, held it up in the face of the Senate.

Mr. ARCHER hoped no objection would be made by his friend from Louisiana to taking the question at this time. They had fought it manfully, but in vain; and no good could come out of further opposition.

The joint resolution was then passed, as follows:

**JOINT RESOLUTION** declaring the terms on which Congress will admit Texas into the Union as a State:

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within, and rightfully belonging to the republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.*

**SEC. 2.** *And be it further resolved, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:*

*First.* Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments; and the constitution thereof, with the proper evidence of its adoption by the people of said republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

*Second.* Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence, belonging to said republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due or owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct: but in no event are said debts and liabilities to become a charge upon the Government of the United States.

*Third.* New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crimes) shall be prohibited.

**SEC. 3.** *And be it further resolved, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the republic of Texas, as an overture on the part of the United States for admission, to negotiate with that republic, then*

*Be it resolved, That a State, to be formed out of the present republic of Texas, with suitable extent and boundaries, and with two representatives in Congress until the next apportionment of representation, shall be admitted into the Union by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission and the cession of the remaining Texan territory to the United States shall be agreed upon by the Governments of Texas and the United States: and the sum of \$100,000 is hereby appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.*

On motion of Mr. EVANS, at 9 P. M. the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 28.

#### *Annexation of Texas.*

The joint resolution "for annexing Texas to the United States," which originated in the House, and was this morning returned from the Senate with an amendment, came up next in order, the question being on concurrence in the amendment.

[The original resolution as it passed the House, and the amendment adopted in the Senate, on motion of Mr. WALKER, will be found in the Senate proceedings.]

The amendment of the Senate having been read,

Mr. C. J. INGERSOLL moved that it be committed to a Committee of the Whole on the state of the Union, and asked the previous question on this motion.

Mr. WINTHROP. I move to refer the amendment and the bill to the Committee on Foreign Affairs; and if the Chair decides this motion not to be in order, I take an appeal from the decision.

The SPEAKER stated the question to be on the appeal.

Mr. WINTHROP. My point of order is this: the rules of the House require that every bill containing an appropriation shall be first discussed in Committee of the Whole on the state of the Union. Therefore, no motion is required, and no vote of the House is required, to refer it to this committee. That being the case, the motion to commit to the Committee on Foreign Affairs is in order, notwithstanding the motion to refer to the Committee of the Whole on the state of the Union. The Speaker deciding the motion to refer to the Committee on Foreign Affairs out of order, he took an appeal from the decision.

The question, "Shall the decision of the Chair stand as the judgment of the House?" was taken, and decided in the affirmative—yeas 129, nays 34.

So the decision of the Chair being sustained,

[2d Sess.]

*Admission of Texas—Note from Mr. McDuffie.*

[FEBRUARY, 1845.]

the motion of Mr. WINTHROP was ruled out of order.

Mr. E. J. MORRIS said there were many gentlemen absent who desired to vote on this subject; and therefore he asked for a call of the House, and on that he called for the yeas and nays; which were ordered, and being taken, it was decided in the negative.

So the call was refused.

Mr. PERRY submitted an amendment to provide that, in the terms of the admission of Texas, it should be stipulated that that part which lies south of 86° 30', commonly known as the compromise line, should be admitted as free or slave States, as the people of such States may determine when they apply to be admitted into the Union; and, furthermore, that it shall be also stipulated and declared that the public debt of Texas shall in no event become a charge on the United States.

Mr. JAMESON remarked that that was already provided for in the resolution.

Mr. PERRY called for tellers, and they were ordered; and Messrs. BURKE and WINTHROP were appointed; and they reported 39 in the affirmative and 98 in the negative.

So the amendment was rejected.

The question being on concurring in the amendment of the Senate, it was taken, and decided in the affirmative without a division.

The committee then rose, and reported the amendment to the House.

The question then being on concurring in the amendment of the Senate reported from the committee,

Mr. HOGE, successful above many other competitors for the floor, moved the previous question.

The demand for the previous question was seconded, and the main question was ordered.

Mr. BRODHEAD, and other gentlemen, asked for the yeas and nays on the main question; which were ordered.

The question was then taken and decided in the affirmative, as follows:

YEAS.—Messrs. Anderson, Arrington, Atkinson, Bayly, Belser, Benton, Bidlack, Edward J. Black, James Black, James A. Black, Blackwell, Bowlin, Boyd, Brinkerhoff, Brodhead, Aaron V. Brown, William J. Brown, Burke, Burt, Caldwell, Carpenter, Jeremiah E. Cary, Shepard Cary, Catlin, Reuben Chapman, Augustus A. Chapman, Chappell, Clinton, Cobb, Coles, Croes, Cullom, Dana, Daniel, John W. Davis, Dawson, Dean, Dellet, Dillingham, Douglas, Dromgoole, Duncan, Dunlap, Ellis, Farlee, Ficklin, Foster, French, Fuller, Hannibal Hamlin, Hammett, Haralson, Hays, Henley, Herrick, Holmes, Hoge, Houston, Hubbard, Hubbell, Hughes, Hungerford, James B. Hunt, Charles J. Ingersoll, Jameson, Cave Johnson, Andrew Johnson, George W. Jones, Andrew Kennedy, Preston King, Kirkpatrick, Labranche, Leonard, Lucas, Lumpkin, Lyon, McCauslen, Macloy, McClelland, McClernand, McConnell, McDowell, McKay, Joseph Morris, Isaac E. Morse, Murphy, Norris, Owen, Parmenter, Payne, Emory D. Potter, Pratt, Purdy, Rathbun, David S. Reid, Reding, Relfe, Rhett, Ritter, Roberts, Robin-

son, Russell, St. John, Saunders, Thomas H. Seymour, David L. Seymour, Simons, Simpson, Slidell, John T. Smith, Thomas Smith, Robert Smith, Steenrod, Stetson, John Stewart, Stiles, James W. Stone, Alfred P. Stone, Strong, Sykes, Taylor, Thompson, Tibbatts, Tucker, Walker, Wentworth, Wheaton, Benjamin White, Williams, Woodward, Joseph A. Wright, Yancey, and Yost—132.

NAYS.—Messrs. Abbot, Adams, Ashe, Baker, Barringer, Barnard, Brengle, Milton Brown, Jeremiah Brown, Buffington, Carroll, Causin, Chilton, Clinch, Clingman, Collamer, Cranston, Darragh, Garrett Davis, Richard D. Davis, Deberry, Dickey, Fish, Florence, Foot, Giddings, Goggin, Willis Green, Grinnell, Grider, Hale, Edward S. Hamlin, Hardin, Harper, Hudson, Washington Hunt, Irvin, Jenks, Perley B. Johnson, John P. Kennedy, Daniel P. King, Melvaine, Marsh, Edward Joy Morris, Freeman H. Morse, Mosley, Newton, Paterson, Peyton, Phoenix, Pollock, Ellaha R. Potter, Preston, Ramsey, Rayner, Charles M. Reed, Rockwell, Rodney, Rogers, Sample, Schenck, Senter, Severance, Albert Smith, Caleb B. Smith, Spences, Andrew Stewart, Summers, Tilden, Tyler, Vance, Vanmeter, Vinton, Wethered, John White, Winthrop, and William Wright—76.

So the amendment of the Senate was concurred in.

Mr. McCONNELL moved to reconsider the vote; and on this demanded the previous question.

The demand for the previous question was seconded, the main question was ordered; and being taken, was decided in the negative.

#### *Army Appropriation Bill.*

On Mr. McKAY's motion, one of the appropriation bills which had come back from the Senate, was committed to the Committee of the Whole on the state of the Union.

The House then adjourned.

#### *Admission of Texas—Note from Mr. McDuffie.*

##### TO THE EDITOR OF THE GLOBE.

As my remarks a few nights ago on the resolutions for admitting the republic of Texas into the Union were imperfectly reported, no doubt from the difficulty of hearing where the reporters were seated, and as the state of my health precludes the possibility of my writing out these remarks at length, I propose simply and distinctly to state some of the leading propositions I advanced on that occasion, which you will oblige me by publishing.

I commenced by stating that all the Senators who had spoken against the pending resolution, had distinctly affirmed and laboriously argued that the framers of the constitution, in granting to Congress the power to "admit new States into this Union," intended to limit that power to States "arising within the then existing territories of the United States;" and yet that every one of these Senators, with the exception perhaps of the Senator from Massachusetts, had as distinctly admitted, throughout the remaining portion of their speeches, that Louisiana, Missouri, and Arkansas, were constitutionally admitted as States of this Union, although they have

arisen in territory that then belonged to a foreign power. That if this palpable and suicidal contradiction, in which Senators seemed to forget at one end of their speeches what they had maintained at the other, could be reconciled at all, it must be by a process of logical reasoning and metaphysical requirement, which might be ingenious, but, I must add, ingenious beyond all comprehension. That there was "no middle course" by which Senators could "reach the height of this great argument;" but that they must either admit that the power of Congress to "admit new States" extended beyond the territory embraced in the limits of the United States at the time the constitution was adopted, and had no limit but the discretion of Congress, or they must be driven to the unavoidable alternative of affirming, with the Senator from Massachusetts, that all the combined departments of this Government were constitutionally incompetent to admit Louisiana, Missouri, and Arkansas, into this Union, and that there was no human power by which this could be rightfully done, but that which made the federal constitution—the consent of *all* the States given by the people of each assembled in convention. That it was impossible to urge any argument to show that Congress could constitutionally admit the State of Louisiana, peopled mainly by foreigners, speaking a different language, that would not more conclusively justify the admission of Texas, formerly pertaining to the United States, and almost exclusively peopled by native-born citizens of the United States, speaking our language, educated in the same schools, worshipping at the same altars, and imbued with the same political principles with ourselves.

On the construction of the words "new States may be admitted by the Congress into this Union," it had been shown by Mr. Buchanan and others that the proposition originally submitted to the convention was, "to admit new States *lawfully arising within the limits of the United States*;" and that as the clause finally adopted contained no such limitation, the inference was clear, upon every sound principle of construction, that no such limitation was intended. In answer to this, Mr. Rives very ingeniously contended that Vermont was then in a sort of rebellious attitude toward New York; and that to avoid her exclusion upon the ground that she might not be regarded as a State *lawfully arising within the limits of the United States*, the convention gave up the *whole* of the clause originally proposed, and adopted the clause as it now stands, containing *no limitation at all*. To this I replied, that it was against every rule of rational construction to suppose that the convention, to get rid of one limitation, had given up *another ten times as important*. That if the object had been merely to meet the case of Vermont, it would have been effected more naturally and easily by simply striking out the word "lawfully," and then the clause would have provided for the admission of "new States *arising within the limits of the United States*;" expressly imposing a limitation upon the power of admitting new States which Senators on the other side of the House say the convention intended, though they deliberately abandoned the words that would have expressed that intention! That to suppose the convention, intending this limitation, had deliberately abandoned the clause containing it, and substituted another as unlimited in its terms, as it is clear and unequivocal, would be to ascribe to that wise and

patriotic assembly the folly and wickedness of creating in the constitution an intentional ambiguity.

As to the treaty-making power, I remarked that some Senators had devoted one-half of their speeches to the purpose of proving the power of making treaties exclusively belonged to the President and two-thirds of the Senate—a self-evident proposition, which nobody denied—but had entirely overlooked the questions really involved: What is a treaty, and what are *subjects* exclusively embraced in the scope of the treaty-making power? That to assert that every compact with a foreign power was necessarily a treaty, was to assume the proposition in controversy, and, in reference to the question before the Senate, was precisely the reverse of the fact. That the admission of Texas into the Union as necessarily involved the acquisition of the territory embraced in the limits of that republic, as the purchase of a mansion would involve the acquisition of the soil on which it stood; and that the compact we propose to make could not be constitutionally made by any power but that which can "admit new States into this Union," and was any thing but a treaty. In answer to the strange and incomprehensible assumption that Congress may constitutionally admit Texas into the Union, provided the treaty-making power shall first acquire the territory, I denied that the constitution gave any color to a proposition so absurd and anomalous. That even if this were simply a question of acquiring territory, without admitting the State, the constitution does not assign that function, either to the treaty-making, or to the law-making power; but leaves it to be accomplished by the one or the other, according to circumstances. That if, indeed, one branch of the Government had a preference over the other, all the analogies of the constitution gave that preference to Congress, as being exclusively vested with the power of making war and conquests, the most usual mode of acquiring territory; and of raising revenue, and thereby providing the only means of acquiring territory in the only other mode—to wit, by purchase. In the case of acquiring territory by conquest, it is clearly and exclusively the act of the war-making power; and Congress would proceed to organize a provincial government, without even the form of a treaty. That in the case of acquisition by purchase, though the formal parts of the transaction are usually as a mere matter of convenience, performed by the treaty-making power, the substance of the compact—the stipulated payment of a sum of money for a given extent of territory—could only be performed by Congress, which was exclusively invested with the power of raising and appropriating money. That Mr. Jefferson, in the height of his popularity, did not dare to purchase Louisiana until Congress had given its consent by appropriating a large sum of money, under the disguise of secret service, but notoriously to be applied to the purpose of making that great acquisition to the United States.

In answer to the doctrine advanced by most of the opponents of the resolution, that the treaty-making power was designed by the convention as a great conservative power as against Congress, I stated that it was a notion founded upon a total misconception of the checks and responsibilities of our system of Government. That the power of making treaties was not conferred upon the President and his Senatorial council of advisers because they were

2d Sess.]

*Adjournment of the Senate.*

[MARCH, 1845.]

supposed to be a safer depository of power, but because the President being a single individual, was better qualified to conduct negotiations with the secrecy indispensable to success, and the Senate, being a small body, could be more easily assembled and consulted. That nothing could be more extravagant than the supposition that the treaty-making power was intended as a check upon Congress or the law-making power, or in any respect conservative. That a brief analysis of those two powers would show that, when the Senate consisted of twenty-six members, in every case of a conflict between Congress as the law-making power and this boasted treaty-making power, it was really a contest between the House of Representatives, coming directly from the people, a majority of the Senate, representing the States, and the President, representing both on the one hand, and a miserable fraction of the Senators on the other—that being the only difference between a majority and two-thirds of the Senate.

Having now stated the prominent position taken in my remarks on the admission of Texas, I avail myself of the occasion to explain a remark I made in reply to a question asked by Mr. CRITTENDEN in the course of his speech. Referring to my remarks on the war-making power, he inquired whether Congress, because it had the exclusive power to make war, could therefore make peace, and how this could be done? I replied from my place, "by disbanding the army and navy;" intending merely to show the absurdity of supposing that a war could, in fact, be continued against the will of the only power that could make and carry it on. I will now explain how the war-making power can make peace. Mr. CRITTENDEN, and his associates in debate, seem to have overlooked the fact that the war-making and law-making power includes the whole of the functionaries of the treaty-making power, except as many Senators as constitute the difference between a majority and two-thirds of the Senate—that is to say, eight members, all told, when the fifty-two Senators are all present. With this remark I proceed to trace the usual process of making a treaty of peace. The President—a branch of the war-making power, and the sole depository of all the positive and active functions of the treaty-making power—appoints a minister, with the consent of a majority of the Senate; and, without consulting the Senate, sends him to the court of the foreign belligerent, with instructions and full powers to make a treaty of peace. The treaty is signed by the ministers of the two powers, and ratified by the foreign Government; upon which orders are despatched to the hostile armies and navies for a cessation of arms. The treaty is brought to the United States, and submitted to the Senate for ratification. In the mean time Congress passes a law disbanding the army and navy; but only a majority of the Senate can be induced to concur in the ratification of the treaty. This state of things has been constitutionally produced by the functionaries of the war-making power; and I ask, are the United States at war or peace? The foreign power has formally ratified the treaty, and the United States has substantially ratified it by the best of all pledges, the constitutional act of the whole Government, disbanding the army and navy; yet it is contended that eight pertinacious and pugnacious Senators can keep the country in a state of war for an indefinite period, exhibiting the strange anomaly

of a war continued without armies or navies, and against the will of both parties! Such are the consequences of arraying a small fraction of the Senate against the legislative power, under the guise of a conservative power.

GEO. McDUFFIE.

## HOUSE OF REPRESENTATIVES.

SATURDAY, March 1.

*Annexation of Texas Complete.*

A Message was received from the President, announcing that he had approved and signed certain joint resolutions for annexing Texas to this Union.

## IN SENATE.

MONDAY, March 3.

*Thanks to the Pro Tem. President of the Senate.*

Mr. BERTON rose and said he seized a moment when the President of the Senate was out of the chamber, to offer a resolution, which he was very sure would meet the hearty response of every gentleman on that floor; and he thereupon offered the following resolution:

*Resolved*, That the thanks of the Senate be presented to the Hon. WILLIE P. MANGUM, for the ability and impartiality with which he has discharged the duties of President *pro tempore* of the Senate.

*Adjournment of the Senate.*

The usual resolution was then adopted, appointing a committee on the part of the Senate to accompany the House committee to wait on the President of the United States, to inform him that Congress was now ready to adjourn.

The committee was named, and proceeded to the duty imposed upon it.

Shortly after, Mr. SEVIER, on behalf of the committee, returned, and announced that the President had no further communications to make, and had wished the members of the 28th Congress all health and happiness in retiring from their arduous duties.

Mr. MANGUM, President *pro tem.* of the Senate, rose and addressed the Senate as follows:

GENTLEMEN OF THE SENATE: Being about to terminate the official relations that have existed between us for nearly three years past, and perhaps to separate from some of you for ever, I cannot permit this moment to pass without giving utterance to the feelings which have deeply impressed me with the uniform kindness, liberality, and courtesy, that have characterized the members of this body, as recorded in reiterated terms of unanimity; and I must be permitted to say that the recent unanimous expressions of good will and partiality have overwhelmed me with sentiments beyond the formal consideration of a friend and associate. They deserve from me a return of affection and gratitude.

If the high and responsible duties of the honorable station which your partiality has assigned to me have been performed with a due regard to the public honor and interest, and to the satisfaction of my brother Senators, it has been owing to the ready and effective support uniformly extended to

MARCH, 1845.]

Adjournment of the House.

[28TH CONG.]

the presiding officer by them, and to that individual courtesy for which this elevated body has ever been distinguished.

Having terminated the business, I cannot close the session without giving expression to my most earnest and cordial wishes for the continued health, prosperity, and happiness of every individual member, and that each may meet the embraces of his family in the enjoyment of the same blessings.

I now perform the last official act of the session, by adjourning the Senate *sine die*.

The Senate then (at half-past two o'clock at night) adjourned *sine die*.

## HOUSE OF REPRESENTATIVES.

MONDAY, March 8.

*Adjournment of the House.*

Mr. WELLER, from the committee to wait on the President of the United States, said they had discharged their duty, and that they had been instructed, by the President of the United States, to say that he had no further communication to make to Congress, and to express to the members of both Houses his ardent desire that they might reach their respective homes in safety.

It was now ten minutes past two.

Mr. WINTHROP moved that the House adjourn *sine die*.

The question having been taken,

The SPEAKER rose and addressed the House as follows:

*Gentlemen of the House of Representatives:*

The period has arrived which, for this Congress, terminates our labors as the representatives of the people; and we are very soon to part, it may be to meet no more. And before I perform the last official duty of my station, allow me to return to you, gentlemen, my sincere thanks for the very kind expression of approbation of my conduct which your resolution, just adopted, conveys; and to say, that if, in the performance of a high public trust, you, with whom it has been my fortune and my pleasure to act, have seen any thing in my course, as the presiding officer of this House, to commend, to assure you that your approbation of my conduct, the highest reward that a faithful public servant can ever receive, affords to me a satisfaction equalled only by that I enjoy arising from a consciousness of having at all times faithfully, to the best of my poor abilities, performed every public duty that has ever devolved upon me.

These duties, always important, always arduous and difficult, are often delicate in the extreme; and I have sometimes doubted whether the dignity and honor of the station, exalted as it is, more than compensates for the deep anxiety and care which its duties impose. "Its trappings all may see, but its anxieties and its trials must be endured to be understood." In their discharge I may, and doubtless have, often erred; but the generous confidence and support, the kind indulgence, which you have, under all circumstances, extended to me, afford the surest guarantee that my errors, whatever they may have been, have been errors of the head and not of the heart; and of this I desire no higher

evidence than is afforded by your resolution, which has been this night adopted—a testimonial, gentlemen, that I shall long cherish as one of the most pleasing recollections of my life.

It has been said that the power of legislation is the highest trust that man can confide to his fellow-man. If this be so, how strikingly must every member of this body be impressed with the increased magnitude of the trust, in view of the mighty questions upon which you have been called upon to act and to decide. There has, perhaps, been no period in the history of this Government, when so many questions of deep and pervading interest have agitated the public mind, and engaged the deliberations of the American Congress. On one extreme of our Union an empire has been admitted into this great confederacy; in another direction your laws have, so far as regards the action of this House, been extended beyond the Rocky Mountains, reaching to the shores of the Pacific; while Florida and Iowa, twin sisters, have been admitted into the Union on a footing of perfect equality with their sister States. Thus have you enlarged the area of freedom, and secured to its inhabitants the blessings of civil liberty and of free government.

That these great and agitating questions should have been discussed and decided in the spirit of entire calmness and moderation, was scarcely to have been expected; and if, in the collisions of discussion which heated debate is but too apt to produce, "an occasional spark of excitement shall have been struck out," may not the hope be indulged "that, like that struck from the flint, it will have been extinguished in the moment that gave it birth;" and that in this the hour of our separation, it will be remembered only to warn us against its recurrence in after time?

May health and happiness attend you through life, and may you all return in safety to the circle of your friends, and to the bosom of your families.

It remains for me to announce that this House stands adjourned *sine die*.\*

\* *Annual Appropriations of the Government.*

By virtue of the excellent act of July 4th, 1884, which required the Secretary of the Senate and the Clerk of the House to publish a list of the appropriations at the end of each session, the list in detail was now published, and presented an aggregate of \$34,235,088, the whole of which should be examined by those who would make themselves acquainted with the financial working of the Government; but for a general view the recapitulation table which follows the detailed list is sufficient. The following is that table:

<i>Recapitulation.</i>	
Civil and diplomatic expenses -	\$4,370,954 51
Revolutionary and other pensioners -	2,235,000 00
Support of the army -	3,929,766 30
Support of the navy -	6,330,759 65
Support of the Post Office Department -	5,166,000 00
Support of the Indian Department -	1,069,503 74
Support of the Military Academy -	183,049 00
Navy pensioners -	61,000 00
Fortifications -	800,000 00
Improvements in the Territories -	50,000 00
Miscellaneous -	144,085 67
Total -	\$34,235,088 99

Leaving out the heavy appropriations which do not belong to the support of the Government, and the remainder would leave something like \$15,000 for that support.

## EXTRA SESSION.

## THE INAUGURATION OF JAMES K. POLK.

## IN SENATE.

TUESDAY, March 4, 1845.

At 11 o'clock, A. M., the Hon. WILLIE P. MANGUM, President *pro tem.* of the Senate, called the Senate to order.

The Senators then present were, from *Maine*.—Hon. George Evans and Hon. John Fairfield.

*New Hampshire*.—Hon. Chas. G. Atherton and Hon. Levi Woodbury.

*Vermont*.—Hon. Samuel S. Phelps and Hon. Wm. Upham.

*Massachusetts*.—Hon. Daniel Webster.

*Rhode Island*.—Hon. Albert C. Greene and Hon. — Simmons.

*Connecticut*.—Hon. Jabez W. Huntington and Hon. John M. Niles.

*New York*.—Hon. Daniel S. Dickinson and Hon. John A. Dix.

*Pennsylvania*.—Hon. James Buchanan and Hon. David Sturgeon.

*New Jersey*.—Hon. Wm. D. Dayton and Hon. Jacob W. Miller.

*Delaware*.—Hon. Thomas Clayton and Hon. J. M. Clayton.

*Maryland*.—Hon. Reverdy Johnson.

*Virginia*.—Hon. Wm. S. Archer.

*North Carolina*.—Hon. Wm. H. Haywood and Hon. Willie P. Mangum.

*South Carolina*.—Hon. Daniel E. Huger and Hon. Geo. McDuffie.

*Georgia*.—Hon. John M. Berrien and Hon. Walter T. Colquitt.

*Alabama*.—Hon. Arthur P. Bagby and Hon. Dixon H. Lewis.

*Louisiana*.—Hon. Alexander Barrow and Hon. Henry Johnson.

*Mississippi*.—Hon. Jesse Speight and Hon. Robert J. Walker.

*Arkansas*.—Hon. Chester Ashley and Hon. Ambrose H. Sevier.

*Kentucky*.—Hon. John J. Crittenden and Hon. Jas. T. Morehead.

*Missouri*.—Hon. David R. Atchison and Hon. Thos. H. Benton.

*Illinois*.—Hon. Sidney Breese and Hon. James Semple.

*Indiana*.—Hon. Edward A. Hannegan.

*Ohio*.—Hon. William Allen and Hon. Thomas Corwin.

*Michigan*.—Hon. Lewis Cass and Hon. William Woodbridge.

*Tennessee*.—Hon. Spencer Jarnagin.—47.

Two absent, viz., Hon. Isaac O. Bates, of *Massachusetts*, and Hon. James A. Pearce, of *Maryland*.

Three vacancies, viz., *Virginia*, *Indiana*, and *Tennessee*.

There were also present the judges of the Supreme Court, in their robes; the members of the ex-cabinet, and the diplomatic corps.

At half-past 11 o'clock, the Hon. GEORGE M. DALLAS, Vice President elect of the United States, was introduced by the Committee of Arrangements, and, being duly sworn by the President *pro tem.*, took the chair as President of the Senate, pursuant to the Constitution of the United States, and addressed the Senate as follows:

SENATORS: In directing the Vice President to preside at the deliberations of this body, the constitution of our country assigns to him a sphere and a duty alike eminent and grateful. Without any of the cares of real power; with none of the responsibilities of legislation, except in rare conjunctures, he is associated with the dignified delegates of republican sovereignties; he is posted by the entire American people in your confederated council, partly, it would seem, as an organ of freedom's fundamental principle of order, and partly, perhaps, as a mere symbol of that more popular and "more perfect union," on which depend the blessings of our peace, independence, and liberty. His mission, tranquil and unimposing, is yet noble in its origin and objects, and happy as well as proud in its relations to you.

No one, gentlemen, can appreciate more highly, or recognize more deferentially, than does the incumbent of this chair, the powers, privileges, and rules or forms of the Senate of the United States. To maintain these, unimpaired and unrelaxed, he feels to be an official duty, second, in impressive obligation, only to his constitutional allegiance. To their exercise the republic owes incalculable good; and through them has been gradually achieved a wide-spread fame for wisdom, justice, moderation, and efficiency, unsurpassed by any assemblage of statesmen in former or present times. A calm and well-adjusted system of action in this chamber, carefully devised and steadily pursued by those who have preceded us in it, has indeed largely contributed to the undoubted success of our great political experiment. Instability, haste, procrastination,

discourtesy, and indecision, habitually discounted and banished, leave, in undisturbed supremacy here, the powers of enlightened reason, and the vigor of practical patriotism. Our country reaps thence solid and substantial advantages in her policy, institutions, prospects, and renown.

The citizen whom it has pleased a people to elevate by their suffrages from the pursuits of private and domestic life, may best evince his grateful sense of the honor thus conferred, by devoting his faculties, moral and intellectual, resolutely to their service. This I shall do; yet with a diffidence unavoidable to one conscious that almost every step in his appointed path is to him new and untried, and sensible how dangerous a contrast must occur in the transfer of powers from practised to unpractised hands. In observing, however, upon this floor, a number of those experienced and skilful statesmen on whom the nation justly looks with pride and reliance, I am assured that there can be but little danger of public disadvantage from inadvertencies or mistakes, which their counsel may readily avert or rectify. And thus, gentlemen, while aiming, frankly and impartially, to exercise the functions of an unaccustomed station in the spirit of the constitution, for the enlarged and lasting purposes of a revered country, and with sincere good will towards all, I may cherish the encouraging hope of being able, with the assent of an indulgent Providence, at once to perform my duty and to attract your confidence.

At forty minutes past 11 o'clock, the Hon. JAMES K. POLK, President elect of the United States, accompanied by the ex-President of the United States, the Hon. JOHN TYLER, was introduced by the Committee of Arrangements, and, having bowed to the assembled Senate, took his seat in front of the desk of the Secretary of the Senate.

At five minutes before 12 o'clock, the Assistant Sergeant-at-Arms of the Senate, named the order of procession from the Senate Chamber to the platform at the east front of the Capitol, and the procession formed and proceeded accordingly, as follows:

- The Marshal of the District of Columbia;
- The Supreme Court of the United States;
- The Sergeant-at-Arms of the Senate;
- The Committee of Arrangements;
- The President elect, ex-President, the Vice President, and Secretary of the Senate;
- The Members of the Senate;
- The Diplomatic Corps;
- The Mayors of Washington, Georgetown, and Alexandria, and the other persons before admitted on the floor of the Senate.

On reaching the front of the portico, the President elect and Chief Justice took the seats provided for them;

The ex-President, the Committee of Arrangements, and Associate Justices of the Supreme Court, occupied a position several feet in the rear of the President elect.

The Vice President, Secretary, and Members of the Senate, occupied parallel lines next in rear.

The Diplomatic Corps occupied the next position; and the space immediately in their

rear was assigned to the late Speaker, Clerk, and Members of the Senate and House of Representatives.

The ladies, and such persons as, by the rules of the Senate and arrangements of the committee, were admitted within the Senate Chamber, occupied the steps and the residue of the portico.

The PRESIDENT elect then read the following

#### INAUGURAL ADDRESS.

FELLOW-CITIZENS: Without solicitation on my part, I have been chosen by the free and voluntary suffrages of my countrymen to the most honorable and most responsible office on earth. I am deeply impressed with gratitude for the confidence reposed in me. Honored with this distinguished consideration at an earlier period of life than any of my predecessors, I cannot disguise the diffidence with which I am about to enter on the discharge of my official duties.

If the more aged and experienced men who have filled the office of President of the United States, even in the infancy of the republic, distrusted their ability to discharge the duties of that exalted station, what ought not to be the apprehensions of one so much younger and less endowed, now that our domain extends from ocean to ocean, that our people have so greatly increased in numbers, and at a time when so great diversity of opinion prevails in regard to the principles and policy which should characterize the administration of our Government? Well may the boldest fear, and the wisest tremble, when incurring responsibilities on which may depend our country's peace and prosperity, and, in some degree, the hopes and happiness of the whole human family.

In assuming responsibilities so vast, I fervently invoke the aid of that Almighty Ruler of the universe, in whose hands are the destinies of nations and of men, to guard this heaven-favored land against the mischiefs which, without His guidance, might arise from an unwise public policy. With a firm reliance upon the wisdom of Omnipotence to sustain and direct me in the path of duty which I am appointed to pursue, I stand in the presence of this assembled multitude of my countrymen, to take upon myself the solemn obligation, "to the best of my ability, to preserve, protect, and defend the Constitution of the United States."

A concise enumeration of the principles which will guide me in the administrative policy of the Government, is not only in accordance with the examples set me by all my predecessors, but is eminently befitting the occasion.

The constitution itself, plainly written as it is, the safeguard of our federative compact, the offspring of concession and compromise, binding together in the bonds of peace and union this great and increasing family of free and independent States, will be the chart by which I shall be directed.

It will be my first care to administer the Government in the true spirit of that instrument, and to assume no powers not expressly granted or clearly implied in its terms. The Government of the United States is one of delegated and limited powers; and it is by a strict adherence to the clearly granted powers, and by abstaining from the exercise of doubtful or unauthorized implied powers,



*Inaugural Address of James K. Polk.*

that we have the only sure guarantee against the recurrence of those unfortunate collisions between the federal and State authorities, which have occasionally so much disturbed the harmony of our system, and even threatened the perpetuity of our glorious Union.

"To the States respectively, or to the people," have been reserved "the powers not delegated to the United States by the constitution, nor prohibited by it to the States." Each State is a complete sovereignty within the sphere of its reserved powers. The Government of the Union, acting within the sphere of its delegated authority, is also a complete sovereignty. While the General Government should abstain from the exercise of authority not clearly delegated to it, the States should be equally careful that, in the maintenance of their rights, they do not overstep the limits of powers reserved to them. One of the most distinguished of my predecessors attached deserved importance to "the support of the State Governments in all their rights, as the most competent administration for domestic concerns, and the surest bulwark against anti-republican tendencies;" and to the "preservation of the General Government in its whole constitutional vigor, as the sheet-anchor of our peace at home, and safety abroad."

To the Government of the United States has been intrusted the exclusive management of our foreign affairs. Beyond that it wields a few general enumerated powers. It does not force reform on the States. It leaves individuals, over whom it casts its protecting influence, entirely free to improve their own condition by the legitimate exercise of all their mental and physical powers. It is a common protector of each and all the States; of every man who lives upon our soil, whether of native or foreign birth; of every religious sect, in their worship of the Almighty according to the dictates of their own conscience; of every shade of opinion, and the most free inquiry; of every art, trade, and occupation, consistent with the laws of the States. And we rejoice in the general happiness, prosperity, and advancement of our country, which have been the offspring of freedom, and not of power.

This most admirable and wisest system of well-regulated self-government among men, ever devised by human minds, has been tested by its successful operation for more than half a century; and, if preserved from the usurpations of the Federal Government on the one hand, and the exercise by the States of powers not reserved to them on the other, will, I fervently hope and believe, endure for ages to come, and dispense the blessings of civil and religious liberty to distant generations. To effect objects so dear to every patriot, I shall devote myself with anxious solicitude. It will be my desire to guard against that most fruitful source of danger to the harmonious action of our system, which consists in substituting the mere discretion and caprice of the Executive, or of majorities in the legislative department of the Government, for powers which have been withheld from the federal Government by the constitution. By the theory of our Government, majorities rule; but this right is not an arbitrary or unlimited one. It is a right to be exercised in subordination to the constitution, and in conformity to it. One great object of the constitution was to restrain majorities from oppressing minorities, or encroaching upon their just

rights. Minorities have a right to appeal to the constitution, as a shield against such oppression.

That the blessings of liberty which our constitution secures may be enjoyed alike by minorities and majorities, the Executive has been wisely invested with a qualified veto upon the acts of the legislature. It is a negative power, and is conservative in its character. It arrests for the time hasty, inconsiderate, or unconstitutional legislation; invites reconsideration, and transfers questions at issue between the legislative and the Executive departments to the tribunal of the people. Like all other powers, it is subject to be abused. When judiciously and properly exercised, the constitution itself may be saved from infraction, and the rights of all preserved and protected.

The inestimable value of our federal Union is felt and acknowledged by all. By this system of united and confederated States, our people are permitted, collectively and individually, to seek their own happiness in their own way; and the consequences have been most auspicious. Since the Union was formed, the number of the States has increased from thirteen to twenty-eight; two of these have taken their position as members of the confederacy within the last week. Our population has increased from three to twenty millions. New communities and States are seeking protection under itsegis, and multitudes from the Old World are flocking to our shores to participate in its blessings. Beneath its benign sway, peace and prosperity prevail. Freed from the burdens and miseries of war, our trade and intercourse have extended throughout the world. Mind, no longer tasked in devising means to accomplish or resist schemes of ambition, usurpation, or conquest, is devoting itself to man's true interests, in developing his faculties and powers, and the capacity of nature to minister to his enjoyments. Genius is free to announce its inventions and discoveries; and the hand is free to accomplish whatever the head conceives, not incompatible with the rights of a fellow-being. All distinctions of birth or rank have been abolished. All citizens, whether native or adopted, are placed upon terms of precise equality. All are entitled to equal rights and equal protection. No union exists between church and State; and perfect freedom of opinion is guaranteed to all sects and creeds.

These are some of the blessings secured to our happy land by our federal Union. To perpetuate them, it is our sacred duty to preserve it. Who shall assign limits to the achievements of free minds and free hands, under the protection of this glorious Union? No treason to mankind since the organization of society, would be equal in atrocity to that of him who would lift his hand to destroy it. He would overthrow the noblest structure of human wisdom, which protects himself and his fellow-man. He would stop the progress of free government, and involve his country either in anarchy or despotism. He would extinguish the fire of liberty which warms and animates the hearts of happy millions, and invites all the nations of the earth to imitate our example. If he say that error and wrong are committed in the administration of the Government, let him remember that nothing human can be perfect; and that under no other system of Government revealed by Heaven, or devised by man, has reason been allowed so free and broad a scope to combat error. Has the sword of

despots proved to be a safer or surer instrument of reform in Government, than enlightened reason? Does he expect to find among the ruins of this Union a happier abode for our swarming millions than they now have under it? Every lover of his country must shudder at the thought of the possibility of its dissolution, and will be ready to adopt the patriotic sentiment, "Our federal Union—it must be preserved." To preserve it, the compromises which alone enabled our fathers to form a common constitution for the government and protection of so many States and distinct communities, of such diversified habits, interests, and domestic institutions, must be sacredly and religiously observed. Any attempt to disturb or destroy these compromises, being terms of the compact of Union, can lead to none other than the most ruinous and disastrous consequences.

It is a source of deep regret that in some sections of our country, misguided persons have occasionally indulged in schemes and agitations, whose object is the destruction of domestic institutions existing in other sections—institutions which existed at the adoption of the constitution, and were recognized and protected by it. All must see that if it were possible for them to be successful in attaining their object, the dissolution of the Union, and the consequent destruction of our happy form of Government, must speedily follow.

I am happy to believe that at every period of our existence as a nation, there has existed, and continues to exist, among the great mass of our people, a devotion to the Union of the States, which will shield and protect it against the moral treason of any who would seriously contemplate its destruction. To secure a continuance of that devotion, the compromises of the constitution must not only be preserved, but sectional jealousies and heart-burnings must be discountenanced; and all should remember that they are members of the same political family, having a common destiny. To increase the attachment of our people to the Union, our laws should be just. Any policy which shall tend to favor monopolies, or the peculiar interests of sections or classes, must operate to the prejudice of the interests of their fellow-citizens, and should be avoided. If the compromises of the constitution be preserved,—if sectional jealousies and heart-burnings be discountenanced,—if our laws be just, and the Government be practically administered strictly within the limits of power prescribed to it,—we may discard all apprehensions for the safety of the Union.

With these views of the nature, character, and objects of the Government, and the value of the Union, I shall steadily oppose the creation of those institutions and systems which, in their nature, tend to pervert it from its legitimate purposes, and make it the instrument of sections, classes, and individuals. We need no national banks, or other extraneous institutions, planted around the Government to control or strengthen it in opposition to the will of its authors. Experience has taught us how unnecessary they are as auxiliaries of the public authorities, how impotent for good, and how powerful for mischief.

Ours was intended to be a plain and frugal Government; and I shall regard it to be my duty to recommend to Congress, and, as far as the Executive is concerned, to enforce by all the means within my power, the strictest economy in the ex-

penditure of the public money, which may be compatible with the public interests.

A national debt has become almost an institution of European monarchies. It is viewed in some of them as an essential prop to existing Governments. Melancholy is the condition of that people whose Government can be sustained only by a system which periodically transfers large amounts from the labors of the many to the coffers of the few. Such a system is incompatible with the ends for which our republican Government was instituted. Under a wise policy, the debts contracted in our revolution, and during the war of 1812, have been happily extinguished. By a judicious application of the revenues not required for other necessary purposes, it is not doubted that the debt which has grown out of the circumstances of the last few years may be speedily paid off.

I congratulate my fellow-citizens on the entire restoration of the credit of the general Government of the Union, and that of many of the States. Happy would it be for the indebted States if they were freed from their liabilities, many of which were incautiously contracted. Although the Government of the Union is neither in a legal nor a moral sense bound for the debts of the States, and it would be a violation of our compact of Union to assume them, yet we cannot but feel a deep interest in seeing all the States meet their public liabilities, and pay off their just debts, at the earliest practicable period. That they will do so, as soon as it can be done without imposing too heavy burdens on their citizens, there is no reason to doubt. The sound, moral, and honorable feeling of the people of the indebted States, cannot be questioned; and we are happy to perceive a settled disposition on their part, as their ability returns, after a season of unexampled pecuniary embarrassment, to pay off all just demands, and to acquiesce in any reasonable measures to accomplish that object.

One of the difficulties which we have had to encounter in the practical administration of the Government, consists in the adjustment of our revenue laws, and the levy of the taxes necessary for the support of Government. In the general proposition, that no more money shall be collected than the necessities of an economical administration shall require, all parties seem to acquiesce. Nor does there seem to be any material difference of opinion as to the absence of right in the Government to tax one section of country, or one class of citizens, or one occupation, for the mere profit of another. "Justice and sound policy forbid the federal Government to foster one branch of industry to the detriment of another, or to cherish the interests of one portion to the injury of another portion of our common country." I have heretofore declared to my fellow-citizens that, in "my judgment, it is the duty of the Government to extend, as far as it may be practicable to do so, by its revenue laws, and all other means within its power, fair and just protection to all the great interests of the whole Union, embracing agriculture, manufactures, the mechanic arts, commerce, and navigation." I have also declared my opinion to be "in favor of a tariff for revenue," and that, "in adjusting the details of such a tariff, I have sanctioned such moderate discriminating duties as would produce the amount of revenue needed, and, at the same time, afford reasonable incidental pro-

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tection to our home industry;" and that I was "opposed to a tariff for protection merely, and not for revenue."

The power "to lay and collect duties, imposts, and excises," was an indispensable one to be conferred on the federal Government, which, without it, would possess no means of providing for its own support. In executing this power by levying a tariff of duties for the support of Government, the raising of revenue should be the object, and protection the incident. To reverse this principle, and make protection the object, and revenue the incident, would be to inflict manifest injustice upon all other than the protected interests. In levying duties for revenue, it is doubtless proper to make such discriminations within the revenue principle, as will afford incidental protection to our home interests. Within the revenue limit, there is a discretion to discriminate; beyond that limit, the rightful exercise of the power is not conceded. The incidental protection afforded to our home interests by discriminations within the revenue range it is believed will be ample. In making discriminations, all our home interests should, as far as practicable, be equally protected. The largest portion of our people are agriculturists. Others are employed in manufactures, commerce, navigation, and the mechanic arts. They are all engaged in their respective pursuits, and their joint labors constitute the national or home industry. To tax one branch of this home industry for the benefit of another would be unjust. No one of these interests can rightfully claim an advantage over the others, or to be enriched by impoverishing the others. All are equally entitled to the fostering care and protection of the Government. In exercising a sound discretion in levying discriminating duties within the limit prescribed, care should be taken that it be done in a manner not to benefit the wealthy few, at the expense of the toiling millions, by taxing lowest the luxuries of life, or articles of superior quality and high price, which can only be consumed by the wealthy; and highest the necessities of life, or articles of coarse quality and low price, which the poor and great mass of our people must consume. The burdens of Government should, as far as practicable, be distributed justly and equally among all classes of population. These general views, long entertained on this subject, I have deemed it proper to reiterate. It is a subject upon which conflicting interests of sections and occupations are supposed to exist, and a spirit of mutual concession and compromise in adjusting its details should be cherished by every part of our wide-spread country, as the only means of preserving harmony and a cheerful acquiescence of all in the operation of our revenue laws. Our patriotic citizens in every part of the Union will readily submit to the payment of such taxes as shall be needed for the support of their Government, whether in peace or in war, if they are so levied as to distribute the burdens as equally as possible among them.

The republic of Texas has made known her desire to come into our Union, to form a part of our confederacy, and enjoy with us the blessings of liberty, secured and guaranteed by our constitution. Texas was once a part of our country—was unwisely ceded away to a foreign power—is now independent, and possesses an undoubted right to dispose of a part or the whole of her territory, and to merge her sovereignty, as a separate and independ-

ent State, in ours. I congratulate my country that, by an act of the late Congress of the United States, the assent of this Government has been given to the reunion; and it only remains for the two countries to agree upon the terms, to consummate an object so important to both.

I regard the question of annexation as belonging exclusively to the United States and Texas. They are independent powers, competent to contract; and foreign nations have no right to interfere with them, or to take exceptions to their reunion. Foreign powers do not seem to appreciate the true character of our Government. Our Union is a confederation of independent States, whose policy is peace with each other and all the world. To enlarge its limits, is to extend the dominion of peace over additional territories, and increasing millions. The world has nothing to fear from military ambition in our Government. While the chief magistrate and the popular branch of Congress are elected for short terms by the suffrages of those millions who must, in their own persons, bear all the burdens and miseries of war, our Government cannot be otherwise than pacific. Foreign powers should, therefore, look on the annexation of Texas to the United States, not as the conquest of a nation seeking to extend her dominions by arms and violence, but as the peaceful acquisition of a territory once her own, by adding another member to our confederation with the consent of that member—thereby diminishing the chances of war, and opening to them new and ever-increasing markets for their products.

To Texas, the reunion is important, because the strong protecting arm of our Government would be extended over her, and the vast resources of her fertile soil and genial climate would be speedily developed; while the safety of New Orleans and of our whole south-western frontier against hostile aggression, as well as the interests of the whole Union, would be promoted by it.

In the earlier stages of our national existence, the opinion prevailed with some, that our system of confederated States could not operate successfully over an extended territory, and serious objections have, at different times, been made to the enlargement of our boundaries. These objections were earnestly urged when we acquired Louisiana. Experience has shown that they were not well founded. The title of numerous Indian tribes to vast tracts of country has been extinguished. New States have been admitted into the Union. New Territories have been created, and our jurisdiction and laws extended over them. As our population has expanded, the Union has been cemented and strengthened. As our boundaries have been enlarged, and our agricultural population has been spread over a large surface, our federative system has acquired additional strength and security. It may well be doubted whether it would not be in greater danger of overthrow, if our present population were confined to the comparatively narrow limits of the original thirteen States, than it is, now that they are sparsely settled over a more expanded territory. It is confidently believed that our system may be safely extended to the utmost bounds of our territorial limits; and that, as it shall be extended, the bonds of our Union, so far from being weakened, will become stronger.

None can fail to see the danger to our safety and future peace, if Texas remains an independent

State, or becomes an ally or dependency of some foreign nation more powerful than herself. Is there one among our citizens who would not prefer perpetual peace with Texas, to occasional wars, which so often occur between bordering independent nations? Is there one who would not prefer free intercourse with her, to high duties on all our products and manufactures which enter her ports or cross her frontiers? Is there one who would not prefer an unrestricted communication with her citizens, to the frontier obstructions which must occur if she remains out of the Union? Whatever is good or evil in the local institutions of Texas, will remain her own, whether annexed to the United States or not. None of the present States will be responsible for them, any more than they are for the local institutions of each other. They have confederated together for certain specified objects. Upon the same principle that they would refuse to form a perpetual union with Texas because of her local institutions, our forefathers would have been prevented from forming our present Union. Perceiving no valid objection to the measure, and many reasons for its adoption, vitally affecting the peace, the safety, and the prosperity of both countries, I shall, on the broad principle which formed the basis and produced the adoption of our constitution, and not in any narrow spirit of sectional policy, endeavor, by all constitutional, honorable, and appropriate means, to consummate the expressed will of the people and the Government of the United States, by the reannexation of Texas to our Union at the earliest practicable period.

Nor will it become in a less degree my duty to assert and maintain, by all constitutional means, the right of the United States to that portion of our territory which lies beyond the Rocky Mountains. Our title to the country of the Oregon is "clear and unquestionable;" and already are our people preparing to perfect that title by occupying it with their wives and children. But eighty years ago, our population was confined on the west by the ridge of the Alleghenies. Within that period—within the lifetime, I might say, of some of my hearers—our people, increasing to many millions, have filled the eastern valley of the Mississippi; adventurously ascended the Missouri to its head springs; and are already engaged in establishing the blessings of self-government in valleys, of which the rivers flow to the Pacific. The world beholds the peaceful triumphs of the industry of our emigrants. To us belongs the duty of protecting them adequately wherever they may be upon our soil. The jurisdiction of our laws, and the benefits of our republican institutions, should be extended over them in the distant regions which they have selected for their homes. The increasing facilities of intercourse will easily bring the States, of which the formation in that part of our territory cannot

be long delayed, within the sphere of our federative Union. In the mean time, every obligation imposed by treaty or conventional stipulations should be sacredly respected.

In the management of our foreign relations, it will be my aim to observe a careful respect for the rights of other nations, while our own will be the subject of constant watchfulness. Equal and exact justice should characterize all our intercourse with foreign countries. All alliances having a tendency to jeopard the welfare and honor of our country, or sacrifice any one of the national interests, will be studiously avoided; and yet no opportunity will be lost to cultivate a favorable understanding with foreign Governments, by which our navigation and commerce may be extended, and the ample products of our fertile soil, as well as the manufactures of our skillful artisans, find a ready market and remunerating prices in foreign countries.

In taking "care that the laws be faithfully executed," a strict performance of duty will be exacted from all public officers. From those officers, especially, who are charged with the collection and disbursement of the public revenue, will prompt and rigid accountability be required. Any culpable failure or delay on their part to account for the moneys intrusted to them, at the times and in the manner required by law, will, in every instance, terminate the official connection of such defaulting officers with the Government.

Although, in our country, the chief magistrate must almost of necessity be chosen by a party, and stand pledged to its principles and measures, yet, in his official action, he should not be the President of a part only, but of the whole people of the United States. While he executes the laws with an impartial hand, shrinks from no proper responsibility, and faithfully carries out in the executive department of the Government the principles and policy of those who have chosen him, he should not be unmindful that our fellow-citizens who have differed with him in opinion, are entitled to the full and free exercise of their opinions and judgments, and that the rights of all are entitled to respect and regard.

Confidently relying upon the aid and assistance of the co-ordinate departments of the Government in conducting our public affairs, I enter upon the discharge of the high duties which have been assigned me by the people, again humbly supplicating that Divine Being who has watched over and protected our beloved country from its infancy to the present hour, to continue His gracious benedictions upon us, that we may continue to be a prosperous and happy people.

On the conclusion of the address, the oath of office was administered to the President of the United States by the Chief Justice.

## TWENTY-NINTH CONGRESS.—FIRST SESSION.

BEGUN AT THE CITY OF WASHINGTON, DECEMBER 1, 1845.

*Executive Government for the Fifteenth Presidential Term commencing 4th March, 1845, and ending 3d March, 1849.*

JAMES K. POLK, of Tennessee, *President.*

GEORGE M. DALLAS, of Pennsylvania, *Vice President.*

*Secretary of State.*—JAMES BUCHANAN. [Appointed March 4, 1845; Retired March 4, 1849.]

*Secretary of the Treasury.*—ROBERT J. WALKER. [Appointed March 4, 1845; Retired March 4, 1849.]

*Secretary of War.*—WILLIAM L. MARCY. [Appointed March 4, 1845; Retired March 4, 1849.]

*Secretary of the Navy.*—GEORGE BANCROFT. [Appointed March 4, 1845; Resigned September 9,

1846.] JOHN Y. MASON. [Appointed September 9, 1846; Retired March 4, 1849.]

*Postmaster General.*—CAVE JOHNSON. [Appointed March 4, 1845; Retired March 4, 1849.]

*Attorney-General.*—JOHN Y. MASON. [Appointed March 4, 1845; Resigned October 17, 1846.] NATHAN CLIFFORD. [Appointed October 17, 1846; Retired March 4, 1845.]

## PROCEEDINGS AND DEBATES

IN THE

## SENATE AND HOUSE OF REPRESENTATIVES.

### IN SENATE.

MONDAY, December 1, 1845.

At twelve o'clock the VICE PRESIDENT took the chair, and called the Senate to order, the following Senators being present:

*Maine*—George Evans and John Fairfield.  
*New Hampshire*—Charles G. Atherton and Benning W. Jenness.

*Massachusetts*—John Davis.  
*Vermont*—Samuel S. Phelps and William Upham.

*Rhode Island*—Albert O. Greene and James F. Simmons.

*Connecticut*—Jabez W. Huntington and John M. Niles.

*New York*—John A. Dix.

*New Jersey*—William L. Dayton and Jacob W. Miller.

*Pennsylvania*—Daniel Sturgeon and Simon Cameron.

*Delaware*—Thomas Clayton and John M. Clayton.

*Virginia*—William S. Archer.

*North Carolina*—Willie P. Mangum and William H. Haywood.

*South Carolina*—George McDuffie.

*Georgia*—Walter T. Colquitt.

*Tennessee*—Hopkins L. Turney.

*Kentucky*—John J. Crittenden.

*Ohio*—William Allen and Thomas Corwin.

*Indiana*—Edward A. Hannegan.

*Louisiana*—Henry Johnson.

*Mississippi*—Jesse Speight and J. W. Chalmers.

*Illinois*—Sydney Bræse and James Semple.

*Alabama*—Arthur P. Bagby and Dixon H. Lewis.

*Missouri*—Thomas H. Benton and David R. Atchison.

*Arkansas*—Ambrose H. Sevier and Chester Ashley.

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Preliminary Proceedings.

[29TH CONG.]

*Michigan*—Lewis Cass.*Florida*—David Levy and James D. Westcott.

Mr. SEVIER presented the credentials of H. L. TURNER, elected a Senator from the State of Tennessee for the term of six years from the fourth of March, 1845.

The credentials having been read, Mr. TURNER was sworn, and took his seat.

Mr. SPEIGHT presented the credentials of JOSEPH W. CHALMERS, appointed a Senator from the State of Mississippi, to fill the unexpired term of R. J. WALKER, resigned.

The credentials having been read, Mr. CHALMERS was sworn, and took his seat.

Mr. CRITTENDEN presented the credentials of JOHN DAVIS, elected a Senator from the State of Massachusetts, to fill the unexpired term of ISAAC C. BATES, deceased.

The credentials having been read, Mr. DAVIS was sworn, and took his seat.

Mr. ATHERTON presented the credentials of B. W. JENNESS, appointed a Senator from the State of New Hampshire, to fill the unexpired term of LEVI WOODBURY, resigned.

The credentials having been read, Mr. JENNESS was sworn, and took his seat.

The VICE PRESIDENT laid before the Senate a communication from the Governor of Florida, containing the credentials of DAVID LEVY and J. D. WESTCOTT, elected Senators from the State of Florida.

The credentials having been read, Messrs. LEVY and WESTCOTT were sworn, and took their seats.

Mr. ALLEN submitted the following resolution, which was agreed to:

*Resolved*, That the Secretary of the Senate acquaint the House of Representatives that the Senate is ready to proceed to business.

Mr. SPEIGHT submitted the following resolution:

*Resolved*, That a committee be appointed, jointly with such a committee as may be appointed by the House of Representatives, to wait on the President of the United States, and inform him that quorums of both Houses have assembled, and that Congress is ready to receive any communication he may be pleased to make.

Mr. ALLEN suggested the propriety of passing by this resolution until the Senate should be officially notified that the House of Representatives had organized itself.

Mr. SPEIGHT assenting, the resolution was, for the present, laid on the table.

The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, December 1, 1845.

At twelve o'clock meridian, BENJAMIN B. FRENCH, Esq., the Clerk of the House at the last session of Congress, (and who, by the tenor

of his appointment, remains Clerk until a successor is elected,) rose and said, that, as the hour of twelve o'clock had arrived, he would, in pursuance of usage, if not objected to, call over the list of members by States, for the purpose of ascertaining the names of those present, and whether a quorum was in attendance.

No objection having been made—

The CLERK proceeded to call the roll by States, commencing with the State of Maine; and having gone through the list, it was found that the following-named members were in attendance:

*Maine*—Messrs. Dunlap, Hamlin, McCrate, Sawtelle, Seamon, Severance, and Williams.

*New Hampshire*—Messrs. Johnson, Moulton, and Norris.

*Massachusetts*—Messrs. Abbott, Adams, Ashmun, Grinnell, Hudson, King, Rockwell, Thompson, and Winthrop.

*Rhode Island*—Messrs. Arnold and Cranston.

*Connecticut*—Messrs. Dixon, Hubbard, Rockwell, and Smith.

*Vermont*—Messrs. Collamer, Dillingham, Foot, and Marsh.

*New York*—Messrs. Anderson, Campbell, Colin, Culver, Mott, Ellsworth, Goodyear, Gordon, Grover, Holmes, Hough, Hungerford, Hunt, Jenkins, King, Lawrence, Lewis, MacLay, Miller, Moseley, Niven, Rathbun, Seaman, Smith, Strong, Wheaton, White, Woodruff, Woodworth, and Wood.

*New Jersey*—Messrs. Edsall, Hampton, Runk, Sykes, and Wright.

*Pennsylvania*—Messrs. Black, Blanchard, Brodhead, Buffington, Campbell, Darragh, Erdman, Ewing, Foster, Garvin, Charles J. Ingersoll, Joseph R. Ingersoll, Leib, Levin, McIlvaine, McOlean, Pollock, Ramsey, Ritter, Stewart, Strohm, Thompson, Wilmot, and Yost.

*Delaware*—Mr. Houston.

*Maryland*—Messrs. Chapman, Constable, Giles, Ligon, Long, and Perry.

*Virginia*—Messrs. Atkinson, Bayly, Bedinger, Brown, Chapman, Dromgoole, Hopkins, Hubard, Hunter, Johnson, Leake, Pendleton, Seddon, Taylor, and Treadway.

*North Carolina*—Messrs. Barringer, Biggs, Clarke, Daniel, Dobbin, Dockery, Graham, McKay, and Reid.

*South Carolina*—Messrs. Black, Burt, Holmes, Rhett, Sims, Simpson, and Woodward.

*Georgia*—Messrs. Cobb, Haralson, Jones, King, Lumpkin, Stephens, and Toomba.

*Kentucky*—Messrs. Bell, Boyd, Davis, Grider, Martin, McHenry, Thomason, Tibbatts, Trumbo, and Young.

*Tennessee*—Messrs. Brown, Chase, Coe, Crozier, Cullom, Gentry, Johnson, Jones, Martin, and Stanton.

*Ohio*—Messrs. Brinkerhoff, Cummins, Cunningham, Delano, Faran, Fries, Giddings, Harper, McDowell, Morris, Parish, Perrill, Root,

1st Sess.]

Election of Speaker.

[DECEMBER, 1845.]

Sawyer, Schenck, Starkweather, St. John, Tilden, Vance, and Vinton.

*Louisiana*—Messrs. Harmonson, Morse, and Thibodeaux.

*Indiana*—Messrs. Cathcart, Davis, Henley, Kennedy, McGaughey, Owen, Pettit, Caleb B. Smith, Thomas Smith, and Wick.

*Mississippi*—Mr. Thompson.

*Illinois*—Messrs. Baker, Douglass, Ficklin, Hoge, McClelland, Smith, and Wentworth.

*Alabama*—Messrs. Chapman, Hilliard, Houston, McConnell, Payne, and Yancey.

*Missouri*—Messrs. Bowlin, Price, Relfe, and Simms.

*Arkansas*—Mr. Yell.

*Michigan*—Messrs. Chipman, Hunt, and McClelland.

*Florida*—Mr. Cabell.

Two hundred and twelve members having answered to their names, the CLERK announced that a quorum, consisting of a majority of the whole number of members of the House, was present; and that it was competent for the members, therefore, to proceed to the election of a Speaker.

The House, according to law, is composed of 224 members. There were present . . . 212  
Absent, viz:

From New York—Charles H. Carroll . . .	1
From Ohio—Allen G. Thurman . . .	1
From Louisiana—John Slidell . . .	1
From Mississippi—Stephen Adams, Jefferson Davis, and Robert W. Roberts . . .	8
From Alabama—Edward S. Dargin . . .	1
From Missouri—John Phelps . . .	1
	— 8

Vacancies, viz:

In New Hampshire . . .	1
In Massachusetts . . .	1
In Georgia . . .	1
In Tennessee . . .	1

The whole House, . . . 224

Upon the announcement by the CLERK that a quorum was present—

Mr. HOPKINS rose, and moved that the House now proceed, according to usage, to the election of a presiding officer *vice vac.*

And the question having been taken, the motion was unanimously agreed to.

So the House proceeded to the election of Speaker.

The CLERK designated Mr. SMITH, of Illinois, Mr. SEVERANCE, of Maine, and Mr. COBB, of Georgia, as tellers to count the votes; and these gentlemen having taken their seats at the table,

The CLERK proceeded to call over the names of the members alphabetically; and, as the name of each was called, he answered with the name of the member for whom he voted for Speaker. The list having been called through,

the tellers reported that 211 votes had been given, and 106 were necessary to a choice; and that

John W. Davis, of Indiana, had received . . .	120
Samuel F. Vinton, of Ohio . . .	72
Moses Norris, of New Hampshire . . .	9
William S. Miller, of New York . . .	5
Robert O. Winthrop, of Massachusetts . . .	1
Daniel M. Barringer, of North Carolina . . .	1
John G. Chapman, of Maryland . . .	1
J. H. Campbell, of Pennsylvania . . .	1
Andrew Stewart, of Pennsylvania . . .	1

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JOHN W. DAVIS, one of the Representatives for the State of Indiana, having received a majority of the whole number of votes given in, was declared duly elected Speaker of the House of Representatives of the United States for the 29th Congress; and

The CLERK requested Mr. McKAY, of North Carolina, and Mr. VANCE, of Ohio, to conduct the SPEAKER to the chair.

Mr. VANCE not being at the instant in his seat, the CLERK substituted Mr. VINTON, of Ohio.

And the SPEAKER having been conducted to the chair, by these two gentlemen, rose and addressed the House, as follows:

"GENTLEMEN: Permit me to tender to you my most sincere acknowledgments for the honor you have conferred upon me in calling me to preside over your deliberations. Distrusting, as I do, my ability to discharge the functions appertaining to the Chair appropriately, I shall have to draw largely and often upon that kindness and partiality which you have just extended to me with such unhesitating cordiality.

"I shall endeavor to discharge my duty as your presiding officer faithfully and impartially, strictly enforcing such rules and regulations as you, in your wisdom, may adopt for your government. I hope the session may be peaceful and prosperous; and I indulge the hope that we shall in due season arrive at such legislative enactments as shall subserve the public interest, and promote the welfare, the peace, and the prosperity of the country; and this hope, I am confident, is cordially reciprocated on your part.

"Gentlemen, my duties, I know, are as arduous as they are responsible; but I shall endeavor to discharge them with fidelity, knowing no party but the people, and no locality but the country."

The oath of office as required by the sixth article of the constitution, and as prescribed by the act of Congress of the 1st June, 1789, to wit: "That I will support the Constitution of the United States," was then administered to the Speaker by Mr. JOHN QUINCY ADAMS.

The SPEAKER then announced that the next act to be done in the organization of the House was, to administer the oath (or affirmation) of office to the members present; and, to that end, he would direct the Clerk to call the roll

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*Rules of the House.*

[29TH CONG.]

by States, commencing with the State of Maine.

The roll was then called over, and the same oath (or affirmation) as required by the constitution, and prescribed in the said act of 1st June, 1789, was administered by the Speaker to all the other members present.

Mr. JACOB THOMPSON expressed a desire to offer the following resolution :

*Ordered*, That a message be sent to the Senate informing that body that a quorum of the House of Representatives is assembled, that they had elected John W. Davis as Speaker, and that the House is ready to proceed to business; and that the Clerk do go with said message.

A message was here received from the Senate, informing the House that a quorum of that body was in attendance and ready to proceed to business.

Mr. THOMPSON's motion was agreed to.

#### *Rules of the House.*

Mr. McDOWELL now moved the following resolution :

*Resolved*, That the standing rules and orders of the last House of Representatives, as they existed at the close of the last session, be adopted as the rules and orders of proceeding of this House.

The question then recurring on the adoption of Mr. McDOWELL's resolution—

Mr. HAMLIN, of Maine, moved to amend it so that the rules referred to should be the rules adopted in the latter, and not in the former part of last session; but, being informally reminded by members around him that the resolution as it stood would, of course, have that reference, inasmuch as the latter rules superseded the former, he did not insist on this amendment, but proposed another, going expressly to except the 88d rule of last session, (being the rule restricting all members from speaking more than one hour on any question, usually called "the hour rule.")

And the question being on this amendment—

Mr. PAYNE, of Alabama, said he wished to see the (hour) rule so amended as not to apply in all discussions upon revenue bills. He was not under the impression that the House was disposed at this time to abolish the hour rule altogether. There might be some necessity existing for the continuance of that rule upon the general subjects of legislation which came before the Congress of the United States; but on bills for the raising of revenue, it seemed to him that it ought not to apply. This was a subject which bore upon the people of this confederacy, and on which we all felt a deep interest. It was the only question on which this House could perpetrate a despotism upon the people of this Union. It was in raising revenue that the people might be oppressed; and it was the only means by which, under our Government, the citizen can be oppressed. The right of trial by jury, and all his other rights,

appertained to him in his personal capacity, except the right regarding the raising of revenue; and inasmuch as the power of the House was omnipotent on this question, it seemed to him that the greatest latitude of debate should be allowed on all measures introduced here for the purpose of raising revenue. For that reason, he moved the amendment which he had indicated at the commencement of his remarks.

And the question being on the amendment of Mr. PAYNE to the amendment of Mr. HAMLIN—

Mr. MCCLERNAND inquired of the Chair whether it was understood that the amendment of the gentleman from Alabama (Mr. PAYNE) embraced in its purview appropriation as well as revenue bills.

Mr. PAYNE responded, that if it did not, he was entirely willing so to extend its provision.

Mr. MCCLERNAND continued, that he agreed with his friend from Alabama, that revenue and appropriation bills should be subjected to the closest scrutiny and the fullest debate. The constitution had confided to the House the power to originate bills to raise revenue, and why? Because the representative branch of Congress emanated more directly from the people, and was more immediately responsible to them. The money power was the lever of Government; it merged all other powers, and, according to its exercise, became, in the hands of the ruler, the means of great good, or the most fearful and remorseless engine of oppression. Congress was now invested with an unlimited power of taxation as to amount: super-add now to this the power of unlimited taxation as to objects, and the republic becomes a practical despotism. It may retain the forms of freedom, but will in fact sink into the violence, injustice, and wrong of a tyranny. The difference between it and a despotism in form would be, the aggravated evils of a many, instead of a single-headed hydra. There was a wild spirit of internal improvement prevailing in some portions of the country. In his judgment, this mad spirit threatened more danger to the integrity of the constitution, and the stability of our institutions than any other project agitated by the friends of a strong, rich, and splendid Government.

Mr. PAYNE said he had no objection to the honorable gentleman's suggestion, and he was understood to adopt it, and so to modify his motion.

Mr. CHIPMAN understood that the resolution, as originally offered, was intended to drop what was usually called the hour rule. He hoped it would prevail: he was utterly opposed to that rule. No gentleman could acquit himself well in debate, whether physically or intellectually, while confined in a strait-jacket. The right of debate ought to be left free. He was opposed, as he had said, to placing the intellectual exertions of any of his fellows upon that floor in a strait-jacket.



[1st Sess.]

*Committee to wait on the President.*

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If gentlemen, in view of their oaths to the constitution, of the exigencies of the public service, and the sacred obligations under which they lay to their constituents, could bring themselves to waste and sacrifice the public time, to those constituents let them be handed over, and to them let them answer: but he never would consent that any trammels should be thrown around any feeble efforts of his own, or of any fellow-member. In the position in which the motion of the gentleman from Alabama stood, being an amendment to an amendment, (an exception to an exception,) it would operate practically to restrict debate on money bills to one hour, while it left it free on all other subjects.

[Many voices: Oh no, just the reverse.]

He begged gentlemen's pardon; but they would find that he was right.

Mr. PAYNE withdrew his amendment.

And the question now recurring on the amendment proposed by Mr. HAMLIN—

Mr. CHIPMAN resumed. It might perhaps appear strange to gentlemen that so green a member as himself should undertake to discuss so important a regulation of the House, and should so freely press his objections to a rule deliberately adopted by members so much more experienced than himself; nor should he have troubled the House at this time was not the rule in question to have a continued operation throughout the session. He must, in duty to himself, enter his protest against so trammeling any gentleman on that floor; for he was well assured that under so embarrassing a restriction no member could do justice either to himself or to his country.

Mr. HOPKINS demanded the yeas and nays; which were ordered.

And the question recurring on the amendment of Mr. HAMLIN to the resolution of Mr. McDOWELL, it was decided—yeas 62, nays 148.

So the House rejected the amendment, and refused to strike out the one hour rule.

Mr. CHAPMAN, of Alabama, moved to amend the resolution of Mr. McDOWELL, so as to adopt the rules of the last Congress as they stood at the first session thereof. [The difference consists in the rule prohibiting the reception of abolition petitions; which rule was abolished in the latter part of last session.]

Mr. McDOWELL inquired of the Chair what rule prevailed during the former part of the last session, which did not prevail during the latter part of it?

The CHAIR directed the Clerk to read the 21st rule, prohibiting the reception of abolition petitions, as follows:

"21. No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia or any State or Territory, or the slave-trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

Messrs. TILDEN and HUNT, of New York,

demanding the yeas and nays, which were ordered; and, being taken, resulted—yeas 84, nays 121.

So the amendment of Mr. CHAPMAN was rejected.

And the question again recurring on the resolution of Mr. McDOWELL,

Mr. HOLMES, of South Carolina, said that, with a view to harmonize the House at once, and get rid of all difficulty, he would move to amend the resolution of Mr. McDOWELL, by striking out all after the word "resolved," and insert the following:

"That the rules of the House of Representatives, as they existed at the close of the last session of Congress, be for the present adopted as the rules of this House; and that a committee be appointed to revise the rules, and report to this House such alterations and amendments as may be deemed advisable."

And the question being taken, the amendment was agreed to.

And then the resolution of Mr. McDOWELL, as amended by Mr. HOLMES, was adopted.

The House adjourned.

#### IN SENATE

TUESDAY, December 2.

The Senate proceeded to consider the following resolution submitted yesterday by Mr. SPEIGHT:

*Resolved*, That a committee be appointed, jointly with such committee as may be appointed by the House of Representatives, to wait on the President of the United States, and inform him that quorums of both Houses have assembled, and that Congress is ready to receive any communication he may be pleased to make.

The resolution having been considered and agreed to,

It was ordered that the appointment of said committee, on the part of the Senate, be made by the Chair; and

Messrs. SPEIGHT and UPHAM were then appointed.

A message was received from the House of Representatives, informing the Senate that a quorum of the House had assembled, had elected JOHN W. DAVIS, of Indiana, its Speaker, and was now ready to proceed to business; also, that the House had passed a joint resolution appointing a committee on their part to wait on the President of the United States, and requested the concurrence of the Senate therein; and that the House had appointed a committee.

Mr. SPEIGHT, from the joint committee appointed to wait on the President of the United States, reported, that the committee had performed the duty assigned to them, and that the President had replied that he would make a communication to Congress forthwith.

*President's Message:*

The following Message from the President of the United States was received by the hands of Mr. Walker, his Private Secretary, and read:

*Fellow-Citizens of the Senate*

*and House of Representatives:*

It is to me a source of unaffected satisfaction to meet the Representatives of the States and the people in Congress assembled, as it will be to receive the aid of their combined wisdom in the administration of public affairs. In performing, for the first time, the duty imposed on me by the constitution, of giving to you information of the state of the Union, and recommending to your consideration such measures as in my judgment are necessary and expedient, I am happy that I can congratulate you on the continued prosperity of our country. Under the blessings of Divine Providence and the benign influence of our free institutions, it stands before the world a spectacle of national happiness.

With our unexampled advancement in all the elements of national greatness, the affection of the people is confirmed for the union of the States, and for the doctrines of popular liberty, which lie at the foundation of our government.

It becomes us, in humility, to make our devout acknowledgments to the Supreme Ruler of the Universe for the inestimable civil and religious blessings with which we are favored.

In calling the attention of Congress to our relations with foreign powers, I am gratified to be able to state, that though with some of them there have existed since your last session serious causes of irritation and misunderstanding, yet no actual hostilities have taken place. Adopting the maxim in the conduct of our foreign affairs, to "ask nothing that is not right, and submit to nothing that is wrong," it has been my anxious desire to preserve peace with all nations; but, at the same time, to be prepared to resist aggression, and to maintain all our just rights.

In pursuance of the joint resolution of Congress, "for annexing Texas to the United States," my predecessor, on the third day of March, 1845, elected to submit the first and second sections of that resolution to the republic of Texas, as an overture, on the part of the United States, for her admission as a State into our Union. This election I approved, and accordingly the *chargé d'affaires* of the United States in Texas, under instructions of the tenth of March, 1845, presented these sections of the resolution for the acceptance of that republic. The Executive Government, the Congress, and the people of Texas in convention, have successively complied with all the terms and conditions of the joint resolution. A constitution for the government of the State of Texas, formed by a convention of deputies, is herewith laid before Congress. It is well known, also, that the people of Texas at the polls have accepted the terms of annexation, and ratified the constitution.

I communicate to Congress the correspondence between the Secretary of State and our *chargé d'affaires* in Texas; and also the correspondence of the latter with the authorities of Texas; together with the official documents transmitted by him to his own Government.

The terms of annexation which were offered by the United States having been accepted by Texas, the public faith of both parties is solemnly pledged to the compact of their union. Nothing remains to consummate the event but the passage of an act by Congress to admit the State of Texas into the Union upon an equal footing with the original States. Strong reasons exist why this should be done at an early period of the session. It will be observed that, by the constitution of Texas, the existing Government is only continued temporarily till Congress can act; and that the third Monday of the present month is the day appointed for holding the first general election. On that day a Governor, a Lieutenant Governor, and both branches of the legislature, will be chosen by the people. The President of Texas is required, immediately after the receipt of official information that the new State has been admitted into our Union by Congress, to convene the legislature; and, upon its meeting, the existing Government will be superseded, and the State Government organized. Questions deeply interesting to Texas, in common with the other States; the extension of our revenue laws and judicial system over her people and territory, as well as measures of a local character, will claim the early attention of Congress; and therefore, upon every principle of republican Government, she ought to be represented in that body without unnecessary delay. I cannot too earnestly recommend prompt action on this important subject.

As soon as the act to admit Texas as a State shall be passed, the union of the two republics will be consummated by their own voluntary consent.

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our federative union.

If we consider the extent of territory involved in the annexation—its prospective influence on America—the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our union,—the history of the world may be challenged to furnish a parallel.

The jurisdiction of the United States, which at the formation of the federal constitution was bounded by the St. Mary's on the Atlantic, has passed the Capes of Florida, and been peacefully extended to the Del Norte. In contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France—the country which had been our ancient ally—the country which has a common interest with us in maintaining the freedom of the seas—the country which, by the cession of Louisiana, first opened to us access to the Gulf of Mexico—the country with which we have been every year drawing more and more closely the bonds of successful commerce—most unexpectedly, and to our unfeigned regret, took part in an effort to prevent annexation, and to impose on Texas, as a condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that the tranquil and per-

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*The President's Message.*

[DECEMBER, 1845.]

vading influence of the American principle of self-government was sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example European Governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent against that system of self-government which seems natural to our soil, and which will ever resist foreign interference.

Towards Texas, I do not doubt that a liberal and generous spirit will actuate Congress in all that concerns her interests and prosperity, and that she will never have cause to regret that she has united her "lone star" to our glorious constellation.

I regret to inform you that our relations with Mexico, since your last session, have not been of the amicable character which it is our desire to cultivate with all foreign nations. On the sixth day of March last, the Mexican Envoy Extraordinary and Minister Plenipotentiary to the United States made a formal protest, in the name of his Government, against the joint resolution passed by Congress, "for the annexation of Texas to the United States," which he chose to regard as a violation of the rights of Mexico, and, in consequence of it, he demanded his passports. He was informed that the Government of the United States did not consider this joint resolution as a violation of any of the rights of Mexico, or that it afforded any just cause of offence to his Government; that the Republic of Texas was an independent power, owing no allegiance to Mexico, and constituting no part of her territory or rightful sovereignty and jurisdiction. He was also assured that it was the sincere desire of this Government to maintain with that of Mexico relations of peace and good understanding. That functionary, however, notwithstanding these representations and assurances, abruptly terminated his mission, and shortly afterwards left the country. Our Envoy Extraordinary and Minister Plenipotentiary to Mexico was refused all official intercourse with that Government, and, after remaining several months, by the permission of his own Government, he returned to the United States. Thus, by the acts of Mexico, all diplomatic intercourse between the two countries was suspended.

Since that time Mexico has, until recently, occupied an attitude of hostility towards the United States—has been marshalling and organizing armies, issuing proclamations, and avowing the intention to make war on the United States, either by an open declaration, or by invading Texas. Both the Congress and Convention of the people of Texas invited this Government to send an army into that territory, to protect and defend them against the menaced attack. The moment the terms of annexation offered by the United States were accepted by Texas, the latter became so far a part of our own country as to make it our duty to afford such protection and defence. I therefore deemed it proper, as a precautionary measure, to order a strong squadron to the coasts of Mexico, and to concentrate an efficient military force on the western frontier of Texas. Our army was ordered to take position in the country between the Nueces and the Del Norte, and to repel any invasion of the Texian territory which might be attempted by the Mexican forces. Our squadron in the gulf was ordered to co-operate with the army. But though

our army and navy were placed in a position to defend our own, and the rights of Texas, they were ordered to commit no act of hostility against Mexico, unless she declared war, or was herself the aggressor by striking the first blow. The result has been, that Mexico has made no aggressive movement, and our military and naval commanders have executed their orders with such discretion that the peace of the two republics has not been disturbed.

Texas had declared her independence, and maintained it by her arms for more than nine years. She has had an organized government in successful operation during that period. Her separate existence, as an independent State, had been recognized by the United States and the principal powers of Europe. Treaties of commerce and navigation had been concluded with her by different nations, and it had become manifest to the whole world that any further attempt on the part of Mexico to conquer her, or overthrow her Government, would be vain. Even Mexico herself had become satisfied of this fact; and whilst the question of annexation was pending before the people of Texas, during the past summer, the Government of Mexico, by a formal act, agreed to recognize the independence of Texas, on condition that she would not annex herself to any other power. The agreement to acknowledge the independence of Texas, whether with or without this condition, is conclusive against Mexico. The independence of Texas is a fact conceded by Mexico herself, and she had no right or authority to prescribe restrictions as to the form of government which Texas might afterwards choose to assume.

But though Mexico cannot complain of the United States on account of the annexation of Texas, it is to be regretted that serious causes of misunderstanding between the two countries continue to exist, growing out of unredressed injuries inflicted by the Mexican authorities and people on the persons and property of citizens of the United States, through a long series of years. Mexico has admitted these injuries, but has neglected and refused to repair them. Such was the character of the wrongs, and such the insults repeatedly offered to American citizens and the American flag by Mexico, in palpable violation of the laws of nations and the treaty between the two countries of the fifth of April, 1881, that they have been repeatedly brought to the notice of Congress by my predecessors. As early as the eighth of February, 1887, the President of the United States declared, in a message to Congress, that "the length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the persons and property of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late Extraordinary Mexican Minister, would justify in the eyes of all nations immediate war." He did not, however, recommend an immediate resort to this extreme measure, which, he declared, "should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; but, in a spirit of forbearance, proposed that another demand be made on Mexico for that redress which had been so long and unjustly withheld. In these views, committees of the two Houses of Congress, in reports made to

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*The President's Message.*

[29TH CONG.]

their respective bodies, concurred. Since these proceedings more than eight years have elapsed, during which, in addition to the wrongs then complained of, others of an aggravated character have been committed on the persons and property of our citizens. A special agent was sent to Mexico in the summer of 1838, with full authority to make another and final demand for redress. The demand was made; the Mexican Government promised to repair the wrongs of which we complained; and after much delay, a treaty of indemnity with that view was concluded between the two powers on the eleventh of April, 1839, and was duly ratified by both Governments. By this treaty a joint commission was created to adjudicate and decide on the claims of American citizens on the Government of Mexico. The commission was organized at Washington on the twenty-fifth day of August, 1840. Their time was limited to eighteen months; at the expiration of which, they had adjudicated and decided claims amounting to two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents in favor of citizens of the United States against the Mexican Government, leaving a large amount of claims undecided. Of the latter, the American commissioners have decided in favor of our citizens claims amounting to nine hundred and twenty-eight thousand six hundred and twenty-seven dollars and eighty-eight cents, which were left unacted on by the umpire authorized by the treaty. Still further claims, amounting to between three and four millions of dollars, were submitted to the board too late to be considered, and were left undisposed of. The sum of two millions twenty-six thousand one hundred and thirty-nine dollars and sixty-eight cents, decided by the board, was a liquidated and ascertained debt due by Mexico to the claimants, and there was no justifiable reason for delaying its payment according to the terms of the treaty. It was not, however, paid. Mexico applied for further indulgence; and, in that spirit of liberality and forbearance which has ever marked the policy of the United States towards that republic, the request was granted; and, on the thirtieth of January, 1843, a new treaty was concluded. By this treaty it was provided, that the interest due on the awards in favor of claimants under the convention of the eleventh of April, 1839, should be paid on the thirtieth of April, 1843; and that "the principal of the said awards, and the interest arising thereon, shall be paid in five years, in equal instalments every three months; the said term of five years to commence on the thirtieth day of April, 1843, as aforesaid." The interest due on the thirtieth day of April, 1843, and the first three of the twenty instalments, have been paid. Seventeen of these instalments remain unpaid, seven of which are now due.

The claims which were left undecided by the joint commission, amounting to more than three millions of dollars, together with other claims for spoliation on the property of our citizens, were subsequently presented to the Mexican Government for payment, and were so far recognized that a treaty, providing for their examination and settlement by a joint commission, was concluded and signed at Mexico on the twentieth day of November, 1848. This treaty was ratified by the United States, with certain amendments, to which no just exception could have been taken; but it has not yet received the ratification of the Mexican Govern-

ment. In the mean time, our citizens who suffered great losses, and some of whom have been reduced from affluence to bankruptcy, are without remedy, unless their rights be enforced by their Government. Such a continued and unprovoked series of wrongs could never have been tolerated by the United States, had they been committed by one of the principal nations of Europe. Mexico was, however, a neighboring sister republic, which, following our example, had achieved her independence, and for whose success and prosperity all our sympathies were early enlisted. The United States were the first to recognize her independence, and to receive her into the family of nations, and have ever been desirous of cultivating with her a good understanding. We have, therefore, borne the repeated wrongs she has committed, with great patience, in the hope that a returning sense of justice would ultimately guide her councils, and that we might, if possible, honorably avoid any hostile collision with her.

Without the previous authority of Congress, the Executive possessed no power to adopt or enforce adequate remedies for the injuries we had suffered, or to do more than be prepared to repel the threatened aggression on the part of Mexico. After our army and navy had remained on the frontier and coasts of Mexico for many weeks, without any hostile movement on her part, though her menaces were continued, I deemed it important to put an end, if possible, to this state of things. With this view, I caused steps to be taken, in the month of September last, to ascertain distinctly, and in an authentic form, what the designs of the Mexican Government were; whether it was their intention to declare war, or invade Texas, or whether they were disposed to adjust and settle, in an amicable manner, the pending differences between the two countries. On the ninth of November an official answer was received, that the Mexican Government consented to renew the diplomatic relations which had been suspended in March last, and for that purpose were willing to accredit a minister from the United States. With a sincere desire to preserve peace, and restore relations of good understanding between the two republics, I waived all ceremony as to the manner of renewing diplomatic intercourse between them; and, assuming the initiative, on the tenth of November a distinguished citizen of Louisiana was appointed Envoy Extraordinary and Minister Plenipotentiary to Mexico, clothed with full powers to adjust, and definitively settle, all pending differences between the two countries, including those of boundary between Mexico and the State of Texas. The minister appointed has set out on his mission, and is probably by this time near the Mexican capital. He has been instructed to bring the negotiation with which he is charged to a conclusion at the earliest practicable period; which, it is expected, will be in time to enable me to communicate the result to Congress during the present session. Until that result is known, I forbear to recommend to Congress such ulterior measures of redress for the wrongs and injuries we have so long borne, as it would have been proper to make had no such negotiation been instituted.

Congress appropriated, at the last session, the sum of two hundred and seventy-five thousand dollars for the payment of the April and July instalments of the Mexican indemnities for the year 1844:

1st Sess.]

*The President's Message.*

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"Provided it shall be ascertained to the satisfaction of the American Government that said instalments have been paid by the Mexican Government to the agent appointed by the United States to receive the same, in such manner as to discharge all claim on the Mexican Government, and said agent to be delinquent in remitting the money to the United States."

The unsettled state of our relations with Mexico has involved this subject in much mystery. The first information, in an authentic form, from the agent of the United States, appointed under the administration of my predecessor, was received at the State Department on the ninth of November last. This is contained in a letter, dated the seventeenth of October, addressed by him to one of our citizens then in Mexico, with the view of having it communicated to that department. From this it appears that the agent, on the twentieth of September, 1844, gave a receipt to the treasury of Mexico for the amount of the April and July instalments of the indemnity. In the same communication, however, he asserts that he had not received a single dollar in cash; but that he holds such securities as warranted him at the time in giving the receipt, and entertains no doubt but that he will eventually obtain the money. As these instalments appear never to have been actually paid by the government of Mexico to the agent, and as that government has not therefore been released so as to discharge the claim, I do not feel myself warranted in directing payment to be made to the claimants out of the treasury, without further legislation. Their case is, undoubtedly, one of much hardship; and it remains for Congress to decide whether any, and what, relief ought to be granted to them. Our minister to Mexico has been instructed to ascertain the facts of the case from the Mexican Government, in an authentic and official form, and report the result with as little delay as possible.

My attention was early directed to the negotiation which, on the fourth of March last, I found pending at Washington between the United States and Great Britain, on the subject of the Oregon territory. Three several attempts had been previously made to settle the questions in dispute between the two countries, by negotiation, upon the principle of compromise; but each had proved unsuccessful.

These negotiations took place at London, in the years 1818, 1824, and 1826; the first two under the administration of Mr. Monroe, and the last under that of Mr. Adams. The negotiation of 1818 having failed to accomplish its object, resulted in the convention of the twentieth of October of that year. By the third article of that convention, it was "agreed, that any country that may be claimed by either party on the north-west coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high-contracting parties in that respect being,

to prevent disputes and differences among themselves."

The negotiation of 1824 was productive of no result, and the convention of 1818 was left unchanged.

The negotiation of 1826 having also failed to effect an adjustment by compromise, resulted in the convention of August the sixth, 1827, by which it was agreed to continue in force, for an indefinite period, the provisions of the third article of the convention of the twentieth of October, 1818; and it was further provided, that "it shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated after the expiration of the said term of notice." In these attempts to adjust the controversy, the parallel of the forty-ninth degree of north latitude had been offered by the United States to Great Britain, and in those of 1818 and 1826, with a further concession of the free navigation of the Columbia River south of that latitude. The parallel of the forty-ninth degree, from the Rocky Mountains to its intersection with the north-easternmost branch of the Columbia, and thence down the channel of that river to the sea, had been offered by Great Britain, with an addition of a small detached territory north of the Columbia. Each of these propositions had been rejected by the parties respectively.

In October, 1843, the Envoy Extraordinary and Minister Plenipotentiary of the United States in London was authorized to make a similar offer to those made in 1818 and 1826. Thus stood the question when the negotiation was shortly afterwards transferred to Washington; and, on the twenty-third of August, 1844, was formally opened, under the direction of my immediate predecessor. Like all the previous negotiations, it was based upon principles of "compromise;" and the avowed purpose of the parties was, "to treat of the respective claims of the two countries to the Oregon territory, with the view to establish a permanent boundary between them westward of the Rocky Mountains to the Pacific Ocean." Accordingly, on the twenty-sixth of August, 1844, the British plenipotentiary offered to divide the Oregon territory by the forty-ninth parallel of north latitude, from the Rocky Mountains to the point of its intersection with the north-easternmost branch of the Columbia River, and thence down that river to the sea; leaving the free navigation of the river to be enjoyed in common by both parties—the country south of this line to belong to the United States, and that north of it to Great Britain. At the same time, he proposed, in addition, to yield to the United States a detached territory, north of the Columbia, extending along the Pacific and the Straits of Fuca, from Bulfinch's harbor inclusive, to Hood's canal, and to make free to the United States any port or ports south of latitude forty-nine degrees, which they might desire, either on the main land, or on Quadra and Vancouver's Island. With the exception of the free ports, this was the same offer which had been made by the British, and rejected by the American government in the negotiation of 1826. This proposition was properly rejected by the American plenipotentiary on the day it was submitted. This was the only proposition of compromise offered by

the British plenipotentiary. The proposition on the part of Great Britain having been rejected, the British plenipotentiary requested that a proposal should be made by the United States for "an equitable adjustment of the question."

When I came into office, I found this to be the state of the negotiation. Though entertaining the settled conviction, that the British pretensions of title could not be maintained to any portion of the Oregon territory upon any principle of public law recognized by nations; yet, in deference to what had been done by my predecessors, and especially in consideration that propositions of compromise had been thrice made by two preceding administrations, to adjust the question on the parallel of forty-nine degrees, and in two of them yielding to Great Britain the free navigation of the Columbia, and that the pending negotiation had been commenced on the basis of compromise, I deemed it to be my duty not abruptly to break it off. In consideration, too, that under the conventions of 1818 and 1827, the citizens and subjects of the two Powers held a joint occupancy of the country, I was induced to make another effort to settle this long-pending controversy in the spirit of moderation which had given birth to the renewed discussion. A proposition was accordingly made, which was rejected by the British plenipotentiary, who, without submitting any other proposition, suffered the negotiation on his part to drop, expressing his trust that the United States would offer what he saw fit to call "some further proposal for the settlement of the Oregon question, more consistent with fairness and equity, and with the reasonable expectations of the British Government." The proposition thus offered and rejected repeated the offer of the parallel of forty-nine degrees of north latitude, which had been made by two preceding administrations, but without proposing to surrender to Great Britain, as they had done, the free navigation of the Columbia River. The right of any foreign power to the free navigation of any of our rivers, through the heart of our country, was one which I was unwilling to concede. It also embraced a provision to make free to Great Britain any port or ports on the cap of Quadra and Vancouver's Island, south of this parallel. Had this been a new question, coming under discussion for the first time, this proposition would not have been made. The extraordinary and wholly inadmissible demands of the British government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept, can be effected. With this conviction, the proposition of compromise which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments.

The civilized world will see in these proceedings a spirit of liberal concession on the part of the United States; and this Government will be relieved from all responsibility which may follow the failure to settle the controversy.

All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting, or who may

hereafter inhabit Oregon, and for the maintenance of our just title to that territory. In adopting measures for this purpose, care should be taken that nothing be done to violate the stipulations of the convention of 1827, which is still in force. The faith of treaties, in their letter and spirit, has ever been, and, I trust, will ever be, scrupulously observed by the United States. Under that convention, a year's notice is required to be given by either party to the other, before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating, in this manner, the convention of the sixth of August, 1827.

It will become proper for Congress to determine what legislation they can, in the mean time, adopt without violating this convention. Beyond all question, the protection of our laws and our jurisdiction, civil and criminal, ought to be immediately extended over our citizens in Oregon. They have had just cause to complain of our long neglect in this particular, and have, in consequence, been compelled, for their own security and protection, to establish a provisional government for themselves. Strong in their allegiance and ardent in their attachment to the United States, they have been thus cast upon their own resources. They are anxious that our laws should be extended over them, and I recommend that this be done by Congress with as little delay as possible, in the full extent to which the British Parliament have proceeded in regard to British subjects in that territory, by their act of July the second, 1821, "for regulating the fur-trade, and establishing a criminal and civil jurisdiction within certain parts of North America." By this act Great Britain extended her laws and jurisdiction, civil and criminal, over her subjects engaged in the fur-trade in that territory. By it, the courts of the province of Upper Canada were empowered to take cognizance of causes civil and criminal. Justices of the peace and other judicial officers were authorized to be appointed in Oregon, with power to execute all process issuing from the courts of that province, and to "sit and hold courts of record for the trial of criminal offences and misdemeanors," not made the subject of capital punishment, and also of civil cases, where the cause of action shall not "exceed in value the amount or sum of two hundred pounds."

Subsequent to the date of this act of Parliament, a grant was made from the "British crown" to the Hudson's Bay Company, of the exclusive trade with the Indian tribes in the Oregon territory, subject to a reservation that it shall not operate to the exclusion "of the subjects of any foreign States who, under, or by force of any convention for the time being, between us and such foreign States respectively, may be entitled to, and shall be engaged in, the said trade."

It is much to be regretted that, while under this act British subjects have enjoyed the protection of British laws and British judicial tribunals throughout the whole of Oregon, American citizens in the same territory, have enjoyed no such protection from their government. At the same time, the result illustrates the character of our people and their institutions. In spite of this neglect they have multiplied, and their number is rapidly increasing

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in that territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes, by the adoption of republican institutions for themselves; furnishing another example of the truth that self-government is inherent in the American breast, and must prevail. It is due to them that they should be embraced and protected by our laws.

It is deemed important that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains, should be extended to such tribes as dwell beyond them.

The increasing emigration to Oregon, and the care and protection which is due from the government to its citizens in that distant region; make it our duty, as it is our interest, to cultivate amicable relations with the Indian tribes of that territory. For this purpose, I recommend that provision be made for establishing an Indian agency, and such sub-agencies as may be deemed necessary, beyond the Rocky Mountains.

For the protection of emigrants whilst on their way to Oregon, against the attacks of the Indian tribes occupying the country through which they pass, I recommend that a suitable number of stockades and block-house forts be erected along the usual route between our frontier settlements on the Missouri and the Rocky Mountains; and that an adequate force of mounted riflemen be raised to guard and protect them on their journey. The immediate adoption of these recommendations by Congress will not violate the provisions of the existing treaty. It will be doing nothing more for American citizens, than British laws have long since done for British subjects in the same territory.

It requires several months to perform the voyage by sea from the Atlantic States to Oregon; and although we have a large number of whale-ships in the Pacific, but few of them afford an opportunity of interchanging intelligence, without great delay, between our settlements in that distant region and the United States. An overland mail is believed to be entirely practicable; and the importance of establishing such a mail, at least once a month, is submitted to the favorable consideration of Congress.

It is submitted to the wisdom of Congress to determine whether, at their present session, and until after the expiration of the year's notice, any other measures may be adopted, consistently with the convention of 1827, for the security of our rights, and the government and protection of our citizens in Oregon. That it will ultimately be wise and proper to make liberal grants of land to the patriotic pioneers, who, amidst privations and dangers, lead the way through savage tribes inhabiting the vast wilderness intervening between our frontier settlements and Oregon, and who cultivate, and are ever ready to defend the soil, I am fully satisfied. To doubt whether they will obtain such grants as soon as the convention between the United States and Great Britain shall have ceased to exist, would be to doubt the justice of Congress; but, pending the year's notice, it is worthy of consideration whether a stipulation to this effect may be made, consistently with the spirit of that convention.

The recommendations which I have made, as to the best manner of securing our rights in Oregon, are submitted to Congress with great deference. Should they, in their wisdom, devise any other

mode better calculated to accomplish the same object, it shall meet with my hearty concurrence.

At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt.

Oregon is a part of the North American continent, to which it is confidently affirmed, the title of the United States is the best now in existence. For the grounds on which that title rests, I refer you to the correspondence of the late and present Secretary of State with the British plenipotentiary during the negotiation. The British proposition of compromise, which would make the Columbia the line south of forty-nine degrees, with a trifling addition of detached territory to the United States, north of that river, and would leave on the British side two-thirds of the whole Oregon territory, including the free navigation of the Columbia and all the valuable harbors on the Pacific, can never, for a moment, be entertained by the United States, without an abandonment of their just and clear territorial rights, their own self-respect, and the national honor. For the information of Congress, I communicate herewith the correspondence which took place between the two governments during the late negotiation.

The rapid extension of our settlements over our territories heretofore unoccupied; the addition of new States to our confederacy; the expansion of free principles, and our rising greatness as a nation, are attracting the attention of the powers of Europe; and lately the doctrine has been broached in some of them, of a "balance of power" on this continent, to check our advancement. The United States, sincerely desirous of preserving relations of good understanding with all nations, cannot in silence permit any European interference on the North American continent; and should any such interference be attempted, will be ready to resist it at any and all hazards.

It is well known to the American people and to all nations that this Government has never interfered with the relations subsisting between other governments. We have never made ourselves parties to their wars or their alliances; we have not sought their territories by conquest; we have not mingled with parties in their domestic struggles; and believing our own form of government to be the best, we have never attempted to propagate it by intrigue, by diplomacy, or by force. We may claim on this continent a like exemption from European interference. The nations of America are equally sovereign and independent with those of Europe. They possess the same rights, independent of all foreign interposition, to make war, to conclude peace, and to regulate their internal affairs. The people of the United States cannot, therefore, view with indifference attempts of European powers to interfere with the independent action of the nations on this continent. The American system of government is entirely different from that of Europe. Jealousy among the different sovereigns of Europe, lest any one of them might become too powerful for the rest, has caused them anxiously to desire the establishment of what they term the "balance of power." It cannot be

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permitted to have any application on the North American continent, and especially to the United States. We must ever maintain the principle, that the people of this continent alone have the right to decide their own destiny. Should any portion of them, constituting an independent State, propose to unite themselves with our confederacy, this will be a question for them and us to determine, without any foreign interposition. We can never consent that European powers shall interfere to prevent such a union because it might disturb the "balance of power" which they may desire to maintain upon this continent. Near a quarter of a century ago, the principle was distinctly announced to the world in the annual message of one of my predecessors, that "the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power." This principle will apply with greatly increased force, should any European power attempt to establish any new colony in North America. In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist. Existing rights of every European nation should be respected; but it is due alike to our safety and our interests, that the efficient protection of our laws should be extended over our whole territorial limits, and that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent.

A question has recently arisen under the tenth article of the subsisting treaty between the United States and Prussia. By this article, the consuls of the two countries have the right to sit as judges and arbitrators "in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country; or the said consuls should require their assistance to cause their decisions to be carried into effect or supported."

The Prussian consul at New Bedford, in June, 1844, applied to Mr. Justice Story to carry into effect a decision made by him between the captain and crew of the Prussian ship *Borussia*; but the request was refused, on the ground that, without previous legislation by Congress, the judiciary did not possess the power to give effect to this article of the treaty. The Prussian Government, through their Minister here, have complained of this violation of the treaty, and have asked the Government of the United States to adopt the necessary measures to prevent similar violations hereafter. Good faith to Prussia, as well as to other nations with whom we have similar treaty stipulations, requires that these should be faithfully observed. I have deemed it proper, therefore, to lay the subject before Congress, and to recommend such legislation as may be necessary to give effect to these treaty obligations.

By virtue of an arrangement made between the Spanish Government and that of the United States, in December 1831, American vessels, since the twenty-ninth of April, 1832, have been admitted to entry in the ports of Spain, including those of the Balearic and Canary Islands, on payment of the same tonnage duty of five cents per ton as though they had been Spanish vessels; and this, whether our vessels arrive in Spain directly from the United States, or indirectly from any other country. When Congress, by the act of the thirteenth of July, 1832, gave effect to this arrangement between the two governments, they confined the reduction of tonnage duty merely to Spanish vessels "coming from a port in Spain," leaving the former discriminating duty to remain against such vessels coming from a port in any other country. It is manifestly unjust that, whilst American vessels arriving in the ports of Spain from other countries, pay no more duty than Spanish vessels, Spanish vessels arriving in the ports of the United States from other countries should be subjected to heavy discriminating tonnage duties. This is neither equality nor reciprocity, and is in violation of the arrangement concluded in December 1831, between the two countries. The Spanish Government have made repeated and earnest remonstrances against this inequality, and the favorable attention of Congress has been several times invoked to the subject by my predecessors. I recommend, as an act of justice to Spain, that this inequality be removed by Congress, and that the discriminating duties which have been levied under the act of the thirteenth of July, 1832, on Spanish vessels coming to the United States from any other foreign country, be refunded. This recommendation does not embrace Spanish vessels arriving in the United States from Cuba and Porto Rico, which will still remain subject to the provisions of the act of June 30th, 1834, concerning tonnage-duty on such vessels.

By the act of the 14th of July, 1832, coffee was exempted from duty altogether. This exemption was universal, without reference to the country where it was produced, or the national character of the vessel in which it was imported. By the tariff act of the thirtieth of August, 1842, this exemption from duty was restricted to coffee imported in American vessels from the place of its production; whilst coffee imported under all other circumstances was subjected to a duty of twenty per cent. *ad valorem*. Under this act, and our existing treaty with the King of the Netherlands, Java coffee imported from the European ports of that kingdom into the United States, whether in Dutch or American vessels, now pays this rate of duty. The Government of the Netherlands complains that such a discriminating duty should have been imposed on coffee, the production of one of its colonies, and which is chiefly brought from Java to the ports of that kingdom, and exported from thence to foreign countries. Our trade with the Netherlands is highly beneficial to both countries, and our relations with them have ever been of the most friendly character. Under all the circumstances of the case I recommend that this discrimination should be abolished, and that the coffee of Java imported from the Netherlands be placed upon the same footing with that imported directly from Brazil and other countries where it is produced.

Under the eighth section of the tariff act of the



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thirtieth of August, 1842, a duty of fifteen cents per gallon was imposed on Port wine in casks; while, on the red wines of several other countries, when imported in casks, a duty of only six cents per gallon was imposed. This discrimination, so far as regarded the Port wine of Portugal, was deemed a violation of our treaty with that power, which provides that "no higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the kingdom and possessions of Portugal, than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country." Accordingly to give effect to the treaty, as well as to the intention of Congress, expressed in a proviso to the tariff act itself, that nothing therein contained should be so construed as to interfere with subsisting treaties with foreign nations, a treasury circular was issued on the sixteenth of July, 1844, which, among other things, declared the duty on the Port wine of Portugal in casks, under the existing laws and treaty, to be six cents per gallon, and directed that the excess of duties which had been collected on such wine should be refunded. By virtue of another clause in the same section of the act, it is provided that all imitations of Port, or any other wines, "shall be subject to the duty provided for the genuine article." Imitations of Port wine, the production of France, are imported to some extent into the United States; and the Government of that country now claims that, under a correct construction of the act, these imitations ought not to pay a higher duty than that imposed upon the original Port wine of Portugal. It appears to me to be unequal and unjust, that French imitations of Port wine should be subjected to a duty of fifteen cents, while the more valuable article from Portugal should pay a duty of six cents only per gallon. I therefore recommend to Congress such legislation as may be necessary to correct the inequality.

The late President, in his annual message of December last, recommended an appropriation to satisfy the claims of the Texian government against the United States, which had been previously adjusted, so far as the powers of the Executive extend. These claims arose out of the act of disarming a body of Texian troops under the command of Major Snively, by an officer in the service of the United States, acting under the orders of our Government; and the forcible entry into the customhouse at Bryar's Landing, on Red River, by certain citizens of the United States, and taking away therefrom the goods seized by the collector of the customs as forfeited under the laws of Texas. This was a liquidated debt, ascertained to be due to Texas when an independent State. Her acceptance of the terms of annexation proposed by the United States does not discharge or invalidate the claim. I recommend that provision be made for its payment.

The commissioner appointed to China during the special session of the Senate in March last, shortly afterwards set out on his mission in the United States ship *Columbus*. On arriving at Rio de Janeiro on his passage, the state of his health had become so critical, that, by the advice of his medical attendants, he returned to the United States early in the month of October last. Commodore

Biddle, commanding the East India squadron, proceeded on his voyage in the *Columbus*, and was charged by the commissioner with the duty of exchanging with the proper authorities the ratifications of the treaty lately concluded with the Emperor of China. Since the return of the commissioner to the United States, his health has been much improved, and he entertains the confident belief that he will soon be able to proceed on his mission.

Unfortunately, differences continue to exist among some of the nations of South America, which, following our example, have established their independence, while in others internal dissensions prevail. It is natural that our sympathies should be warmly enlisted for their welfare; that we should desire that all controversies between them should be amicably adjusted, and their governments administered in a manner to protect the rights, and promote the prosperity of their people. It is contrary, however, to our settled policy, to interfere in their controversies, whether external or internal.

I have thus adverted to all the subjects connected with our foreign relations to which I deem it necessary to call your attention. Our policy is not only peace with all, but good will towards all the powers of the earth. While we are just to all, we require that all shall be just to us. Excepting the differences with Mexico and Great Britain, our relations with all civilized nations are of the most satisfactory character. It is hoped that in this enlightened age, these differences may be amicably adjusted.

The Secretary of the Treasury, in his annual report to Congress, will communicate a full statement of the condition of our finances. The imports for the fiscal year ending on the thirtieth of June last, were of the value of one hundred and seventeen millions two hundred and fifty-four thousand five hundred and sixty-four dollars, of which the amount exported was fifteen millions three hundred and forty-six thousand eight hundred and thirty dollars—leaving a balance of one hundred and one millions nine hundred and seven thousand seven hundred and thirty-four dollars for domestic consumption. The exports for the same year were of the value of one hundred and fourteen millions six hundred and forty-six thousand six hundred and six dollars; of which, the amount of domestic articles was ninety-nine millions two hundred and ninety-nine thousand seven hundred and seventy-six dollars. The receipts into the treasury during the same year were twenty-nine millions seven hundred and sixty-nine thousand one hundred and thirty-three dollars and fifty-six cents; of which, there were derived from customs, twenty-seven millions five hundred and twenty-eight thousand one hundred and twelve dollars and seventy cents; from sales of public lands, two millions seventy-seven thousand and twenty-two dollars and thirty cents; and from incidental and miscellaneous sources, one hundred and sixty-three thousand nine hundred and ninety-eight dollars and fifty-six cents. The expenditures for the same period were twenty-nine millions nine hundred and sixty-eight thousand two hundred and six dollars and ninety-eight cents; of which, eight millions five hundred and eighty-eight thousand one hundred and fifty-seven dollars and sixty-two cents were applied to the payment of the public debt. The balance in the treasury on the

first of July last, was seven millions six hundred and fifty-eight thousand three hundred and six dollars and twenty-two cents.

The amount of the public debt remaining unpaid on the first of October last, was seventeen millions seventy-five thousand four hundred and forty-five dollars and fifty-two cents. Further payments of the public debt would have been made, in anticipation of the period of its reimbursement under the authority conferred upon the Secretary of the Treasury by the acts of July twenty-first, 1841, and of April fifteenth, 1842, and March third, 1843, had not the unsettled state of our relations with Mexico menaced hostile collision with that power. In view of such a contingency, it was deemed prudent to retain in the treasury an amount unusually large for ordinary purposes.

A few years ago, our whole national debt, growing out of the Revolution and the war of 1812 with Great Britain, was extinguished, and we presented to the world the rare and noble spectacle of a great and growing people who had fully discharged every obligation. Since that time, the existing debt has been contracted; and small as it is, in comparison with the similar burdens of most other nations, it should be extinguished at the earliest practicable period. Should the state of the country permit, and, especially, if our foreign relations interpose no obstacle, it is contemplated to apply all the moneys in the treasury as they accrue, beyond what is required for the appropriations by Congress, to its liquidation. I cherish the hope of soon being able to congratulate the country on its recovering once more the lofty position which it so recently occupied. Our country, which exhibits to the world the benefits of self-government, in developing all the sources of national prosperity, owes to mankind the permanent example of a nation free from the blighting influence of a public debt.

The attention of Congress is invited to the importance of making suitable modifications and reductions of the rates of duty imposed by our present tariff laws. The object of imposing duties on imports should be to raise revenue to pay the necessary expenses of government. Congress may undoubtedly, in the exercise of a sound discretion, discriminate in arranging the rates of duty on different articles; but the discriminations should be within the revenue standard, and be made with the view to raise money for the support of government.

It becomes important to understand distinctly what is meant by a revenue standard, the maximum of which should not be exceeded in the rates of duty imposed. It is conceded, and experience proves, that duties may be laid so high as to diminish, or prohibit altogether, the importation of any given article, and thereby lessen or destroy the revenue which, at lower rates, would be derived from its importation. Such duties exceed the revenue rates, and are not imposed to raise money for the support of government. If Congress levy a duty, for revenue, of one per cent. on a given article, it will produce a given amount of money to the treasury, and will incidentally and necessarily afford protection, or advantage, to the amount of one per cent. to the home manufacturer of a similar or like article over the importer. If the duty be raised to ten per cent., it will produce a greater amount of money, and afford

greater protection. If it be still raised to twenty, twenty-five, or thirty per cent., and if, as it is raised, the revenue derived from it is found to be increased, the protection or advantage will also be increased; but if it be raised to thirty-one per cent., and it is found that the revenue produced at that rate is less than at thirty per cent., it ceases to be a revenue duty. The precise point in the ascending scale of duties at which it is ascertained from experience that the revenue is greatest, is the maximum rate of duty which can be laid for the *bona fide* purpose of collecting money for the support of government. To raise the duties higher than that point, and thereby diminish the amount collected, is to levy them for protection merely, and not for revenue. As long, then, as Congress may gradually increase the rate of duty on a given article, and the revenue is increased by such increase of duty, they are within the revenue standard. When they go beyond that point, and, as they increase the duties, the revenue is diminished or destroyed, the act ceases to have for its object the raising of money to support government, but is for protection merely.

It does not follow that Congress should levy the highest duty on all articles of import which they will bear within the revenue standard; for such rates would probably produce a much larger amount than the economical administration of the government would require. Nor does it follow that the duties on all articles should be at the same, or a horizontal rate. Some articles will bear a much higher revenue duty than others. Below the maximum of the revenue standard Congress may and ought to discriminate in the rates imposed, taking care so to adjust them on different articles as to produce in the aggregate the amount which, when added to the proceeds of sales of public lands, may be needed to pay the economical expenses of the government.

In levying a tariff of duties, Congress exercise the taxing power, and for purposes of revenue may select the objects of taxation. They may exempt certain articles altogether, and permit their importation free of duty. On others they may impose low duties. In these classes should be embraced such articles of necessity as are in general use, and especially such as are consumed by the laborer and the poor, as well as by the wealthy citizen. Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation, and the mechanic arts, should, as far as may be practicable, derive equal advantages from the incidental protection which a just system of revenue duties may afford. Taxation, direct or indirect, is a burden, and it should be so imposed as to operate as equally as may be, on all classes, in the proportion of their ability to bear it. To make the taxing power an actual benefit to one class, necessarily increases the burden of the others beyond their proportion, and would be manifestly unjust. The terms "protection to domestic industry," are of popular import: but they should apply under a just system to all the various branches of industry in our country. The farmer or planter who toils yearly in his fields, is engaged in "domestic industry," and is as much entitled to have his labor "protected," as the manufacturer, the man of commerce, the navigator, or the mechanic, who are engaged also in "domestic industry," in their different pursuits. The joint

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labors of all these classes constitute the aggregate of the "domestic industry" of the nation, and they are equally entitled to the nation's "protection." No one of them can justly claim to be the exclusive recipients of "protection," which can only be afforded by increasing burdens on the "domestic industry" of the others.

If these views be correct, it remains to inquire how far the tariff act of 1842 is consistent with them. That many of the provisions of that act are in violation of the cardinal principles here laid down, all must concede. The rates of duty imposed by it on some articles are prohibitory, and on others so high as greatly to diminish importations, and to produce a less amount of revenue than would be derived from lower rates. They operate as "protection merely," to one branch of "domestic industry," by taxing other branches.

By the introduction of minimums, or assumed and false values, and by the imposition of specific duties, the injustice and inequality of the act of 1842, in its practical operations on different classes and pursuits, are seen and felt. Many of the oppressive duties imposed by it under the operation of these principles, range from one per cent. to more than two hundred per cent. They are prohibitory on some articles, and partially so on others, and bear most heavily on articles of common necessity, and but lightly on articles of luxury. It is so framed that much the greatest burden which it imposes is thrown on labor and the poorer classes who are least able to bear it, while it protects capital and exempts the rich from paying their just proportion of the taxation required for the support of government. While it protects the capital of the wealthy manufacturer, and increases his profits, it does not benefit the operatives or laborers in his employment, whose wages have not been increased by it. Articles of prime necessity or of coarse quality and low price, used by the masses of the people, are, in many instances, subjected by it to heavy taxes, while articles of finer quality and higher price, or of luxury, which can be used only by the opulent, are lightly taxed. It imposes heavy and unjust burdens on the farmer, the planter, the commercial man, and those of all other pursuits except the capitalist who has made his investments in manufactures. All the great interests of the country are not, as nearly as may be practicable, equally protected by it.

The government in theory knows no distinction of persons or classes, and should not bestow upon some favors and privileges which all others may not enjoy. It was the purpose of its illustrious founders to base the institutions which they reared upon the great and unchanging principles of justice and equity, conscious that if administered in the spirit in which they were conceived, they would be felt only by the benefits which they diffused, and would secure for themselves a defence in the hearts of the people, more powerful than standing armies, and all the means and appliances invented to sustain governments founded in injustice and oppression.

The well-known fact that the tariff act of 1842 was passed by a majority of one vote in the Senate, and two in the House of Representatives, and that some of those who felt themselves constrained, under the peculiar circumstances existing at the time to vote in its favor, proclaimed its defects, and expressed their determination to aid in its

modification on the first opportunity, affords strong and conclusive evidence that it was not intended to be permanent, and of the expediency and necessity of its thorough revision.

In recommending to Congress a reduction of the present rates of duty, and a revision and modification of the act of 1842, I am far from entertaining opinions unfriendly to the manufacturers. On the contrary, I desire to see them prosperous, as far as they can be so, without imposing unequal burdens on other interests. The advantage under any system of direct taxation, even within the revenue standard, must be in favor of the manufacturing interest; and of this no other interest will complain.

I recommend to Congress the abolition of the minimum principle, or assumed, arbitrary, and false values, and of specific duties, and the substitution in their place of *ad valorem* duties, as the fairest and most equitable indirect tax which can be imposed. By the *ad valorem* principle, all articles are taxed according to their cost or value, and those which are of inferior quality, or of small cost, bear only the just proportion of the tax with those which are of superior quality or greater cost. The articles consumed by all are taxed at the same rate. A system of *ad valorem* revenue duties, with proper discriminations and proper guards against frauds in collecting them, it is not doubted, will afford ample incidental advantages to the manufacturers, and enable them to derive as great profits as can be derived from any other regular business. It is believed that such a system, strictly within the revenue standard, will place the manufacturing interests on a stable footing, and insure to their permanent advantage; while it will, as nearly as may be practicable, extend to all the great interests of the country the incidental protection which can be afforded by our revenue laws. Such a system, when once firmly established, would be permanent, and not be subject to the constant complaints, agitations, and changes which must ever occur when duties are not laid for revenue, but for the "protection merely" of a favored interest.

In the deliberations of Congress on this subject, it is hoped that a spirit of mutual concession and compromise between conflicting interests may prevail, and that the result of their labors may be crowned with the happiest consequences.

By the Constitution of the United States, it is provided that "no money shall be drawn from the treasury but in consequence of appropriations made by law." A public treasury was undoubtedly contemplated and intended to be created, in which the public money should be kept from the period of collection until needed for public uses. In the collection and disbursement of the public money no agencies have ever been employed by law, except such as were appointed by the government, directly responsible to it, and under its control. The safe-keeping of the public money should be confided to a public treasury created by law, and under like responsibility and control. It is not to be imagined that the framers of the constitution could have intended that a treasury should be created as a place of deposit and safe-keeping of the public money which was irresponsible to the Government. The first Congress under the constitution, by the act of the second September, 1789, "to establish the Treasury Department," provided for the appointment of a treasurer, and

made it his duty "to receive and keep the moneys of the United States," and "at all times to submit to the Secretary of the Treasury and the Comptroller, or either of them, the inspection of the moneys in his hands."

That banks, National or State, could not have been intended to be used as a substitute for the treasury spoken of in the constitution, as keepers of the public money, is manifest from the fact that at that time there was no National bank, and but three or four State banks of limited capital existed in the country. Their employment as depositories was at first resorted to, to a limited extent, but with no avowed intention of continuing them permanently, in place of the treasury of the constitution. When they were afterwards from time to time employed, it was from motives of supposed convenience.

Our experience has shown, that when banking corporations have been the keepers of the public money, and been thereby made in effect the treasury, the Government can have no guaranty that it can command the use of its own money for public purposes. The late Bank of the United States proved to be faithless. The State banks which were afterwards employed were faithless. But a few years ago, with millions of public money in their keeping, the Government was brought almost to bankruptcy, and the public credit seriously impaired, because of their inability or indisposition to pay on demand, to the public creditors, in the only currency recognized by the constitution. Their failure occurred in a period of peace, and great inconvenience and loss were suffered by the public from it. Had the country been involved in a foreign war, that inconvenience and loss would have been much greater, and might have resulted in extreme public calamity. The public money should not be mingled with the private funds of banks or individuals, or be used for private purposes. When it is placed in banks for safe-keeping, it is in effect loaned to them without interest, and is loaned by them upon interest to the borrowers from them. The public money is converted into banking capital, and is used and loaned out for the private profit of bank stockholders; and when called for, (as was the case in 1837,) it may be in the pockets of the borrowers from the banks, instead of being in the public treasury contemplated by the constitution. The framers of the constitution could never have intended that the money paid into the treasury should be thus converted to private use, and placed beyond the control of the Government.

Banks which hold the public money are often tempted, by a desire of gain, to extend their loans, increase their circulation, and thus stimulate, if not produce a spirit of speculation and extravagance, which sooner or later must result in ruin to thousands. If the public money be not permitted to be thus used, but be kept in the treasury and paid out to the public creditors in gold and silver, the temptation afforded by its deposit with banks to an undue expansion of their business would be checked, while the amount of the constitutional currency left in circulation would be enlarged, by its employment in the public collections and disbursements, and the banks themselves would in consequence be found in a safer and sounder condition.

At present, State banks are employed as depositories but without adequate regulation of law,

whereby the public money can be secured against the casualties and excesses, revolutions, suspensions, and defalcations, to which, from over-issues, overtrading, an inordinate desire for gain, or other causes, they are constantly exposed. The Secretary of the Treasury has in all cases, when it was practicable, taken collateral security for the amount which they hold, by the pledge of stocks of the United States, or such of the States as were in good credit. Some of the deposit banks have given this description of security, and others have declined to do so.

Entertaining the opinion that "the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people," I recommend to Congress that provision be made by law for such separation, and that a constitutional treasury be created for the safe-keeping of the public money. The constitutional treasury recommended is designed as a secure depository for the public money, without any power to make loans or discounts, or to issue any paper whatever as a currency or circulation. I cannot doubt that such a treasury as was contemplated by the constitution should be independent of all banking corporations. The money of the people should be kept in the treasury of the people created by law, and be in the custody of agents of the people chosen by themselves, according to the forms of the constitution; agents who are directly responsible to the Government, who are under adequate bonds and oaths, and who are subject to severe punishments for any embezzlement, private use, or misapplication of the public funds, and for any failure in other respects to perform their duties. To say that the people or their Government are incompetent, or not to be trusted with the custody of their own money, in their own treasury, provided by themselves, but must rely on the presidents, cashiers, and stockholders of banking corporations not appointed by them, nor responsible to them, would be to concede that they are incompetent for self-government.

In recommending the establishment of a constitutional treasury, in which the public money shall be kept, I desire that adequate provision be made by law for its safety, and that all executive discretion or control over it shall be removed, except such as may be necessary in directing its disbursement in pursuance of appropriations made by law.

Under our present land system, limiting the minimum price at which the public lands can be entered to one dollar and twenty-five cents per acre, large quantities of lands of inferior quality remain unsold, because they will not command that price. From the records of the General Land Office it appears, that of the public lands remaining unsold in the several States and Territories in which they are situated, thirty-nine millions one hundred and five thousand five hundred and seventy-seven acres have been in the market, subject to entry more than twenty years; forty-nine millions six hundred and thirty-eight thousand six hundred and forty-four acres for more than fifteen years; seventy-three millions seventy-four thousand and six hundred acres for more than ten years; and one hundred and six millions one hundred and seventy-six thousand nine hundred and sixty-one acres for more than five years. Much the largest portion of

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these lands will continue to be unsalable at the minimum price at which they are permitted to be sold, so long as large territories of lands from which the more valuable portions have not been selected are annually brought into market by the Government. With the view to the sale and settlement of these inferior lands, I recommend that the price be graduated and reduced below the present minimum rate, confining the sales at the reduced prices to settlers and cultivators, in limited quantities. If graduated and reduced in price for a limited term to one dollar per acre, and after the expiration of that period for a second and third term to lower rates, a large portion of these lands would be purchased, and many worthy citizens, who are unable to pay higher rates, could purchase homes for themselves and their families. By adopting the policy of graduation and reduction of price, these inferior lands will be sold for their real value, while the States in which they lie will be freed from the inconvenience, if not injustice, to which they are subjected, in consequence of the United States continuing to own large quantities of public lands within their borders, not liable to taxation for the support of their local governments.

I recommend the continuance of the policy of granting pre-emptions, in its most liberal extent, to all those who have settled, or may hereafter settle, on the public lands, whether surveyed or unsurveyed, to which the Indian title may have been extinguished at the time of settlement. It has been found by experience, that in consequence of combinations of purchasers and other causes, a very small quantity of the public lands, when sold at public auction, commands a higher price than the minimum rate established by law. The settlers on the public lands are, however, but rarely able to secure their homes and improvements at the public sales at that rate; because these combinations, by means of the capital they command, and their superior ability to purchase, render it impossible for the settler to compete with them in the market. By putting down all competition, these combinations of capitalists and speculators are usually enabled to purchase the lands, including the improvements of the settlers, at the minimum price of the Government, and either turn them out of their homes, or extort from them, according to their ability to pay, double or quadruple the amount paid for them to the Government. It is to the enterprise and perseverance of the hardy pioneers of the West, who penetrate the wilderness with their families, suffer the dangers, the privations, and hardships attending the settlement of a new country, and prepare the way for the body of emigrants who, in the course of a few years, usually follow them, that we are, in a great degree, indebted for the rapid extension and aggrandizement of our country.

Experience has proved that no portion of our population are more patriotic than the hardy and brave men of the frontier, or more ready to obey the call of their country, and to defend her rights and her honor, whenever and by whatever enemy assailed. They should be protected from the grasping speculator, and secured, at the minimum price of the public lands, in the humble homes which they have improved by their labor. With this end in view, all vexatious or unnecessary restrictions imposed upon them by the existing pre-

emption laws should be repealed or modified. It is the true policy of the Government to afford facilities to its citizens to become the owners of small portions of our vast public domain at low and moderate rates.

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million of acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the leases. According to the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844, was \$6,354 74, while the expenses of the system during the same period, including salaries of superintendents, agents, clerks, and incidental expenses, were twenty-six thousand one hundred and eleven dollars and eleven cents—the income being less than one-fourth of the expenses. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber, and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur, while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the General Land Office, as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equitable percentage of the gross amount of mineral product, and that the pre-emption principle be extended to resident miners and settlers upon them, at the minimum price which may be established by Congress.

I refer you to the accompanying report of the Secretary of War, for information respecting the present situation of the army, and its operations during the past year; the state of our defenses; the condition of the public works; and our relations with the various Indian tribes within our limits or upon our borders. I invite your attention to the suggestions contained in that report, in relation to these prominent objects of national interest.

When orders were given during the past summer for concentrating a military force on the western frontier of Texas, our troops were widely dispersed, and in small detachments, occupying posts remote from each other. The prompt and expeditious manner in which an army, embracing more than half our peace establishment, was drawn together on an emergency so sudden, reflects great credit on the officers who were intrusted with the execution of these orders, as well as upon the dis-

cipline of the army itself. To be in strength to protect and defend the people and territory of Texas, in the event Mexico should commence hostilities, or invade her territories with a large army, which she threatened, I authorized the general assigned to the command of the army of occupation to make requisitions for additional forces from several of the States nearest the Texian territory, and which could most expeditiously furnish them, if, in his opinion, a larger force than that under his command, and the auxiliary aid which, under like circumstances, he was authorized to receive from Texas, should be required. The contingency upon which the exercise of this authority depended, has not occurred. The circumstances under which two companies of State artillery from the city of New Orleans were sent into Texas, and mustered into the service of the United States, are fully stated in the report of the Secretary of War. I recommend to Congress that provision be made for the payment of these troops, as well as a small number of Texian volunteers, whom the commanding general thought it necessary to receive or muster into our service.

During the last summer, the first regiment of dragoons made extensive excursions through the Indian country on our borders, a part of them advancing nearly to the possessions of the Hudson's Bay Company in the North, and a part as far as the South Pass of the Rocky Mountains, and the head waters of the tributary streams of the Colorado of the West. The exhibition of this military force among the Indian tribes in those distant regions, and the councils held with them by the commanders of the expeditions, it is believed, will have a salutary influence in restraining them from hostilities among themselves, and maintaining friendly relations between them and the United States. An interesting account of one of these excursions accompanies the report of the Secretary of War. Under the directions of the War Department, Brevet Captain Fremont, of the corps of topographical engineers, has been employed since 1842 in exploring the country west of the Mississippi, and beyond the Rocky Mountains. Two expeditions have already been brought to a close, and the reports of that scientific and enterprising officer have furnished much interesting and valuable information. He is now engaged in a third expedition; but it is not expected that this arduous service will be completed in season to enable me to communicate the result to Congress at the present session.

Our relations with the Indian tribes are of a favorable character. The policy of removing them to a country designed for their permanent residence, west of the Mississippi, and without the limits of the organized States and Territories, is better appreciated by them than it was a few years ago; while education is now attended to, and the habits of civilized life are gaining ground among them.

Serious difficulties of long standing continue to distract the several parties into which the Cherokees are unhappily divided. The efforts of the Government to adjust the difficulties between them have heretofore proved unsuccessful; and there remains no probability that this desirable object can be accomplished without the aid of further legislation by Congress. I will, at an early period of your session, present the subject for your consideration, accompanied with an exposition of the complaints and claims of the several parties into

which the nation is divided, with a view to the adoption of such measures by Congress as may enable the Executive to do justice to them respectively, and to put an end, if possible, to the discussions which have long prevailed, and still prevail, among them.

I refer you to the report of the Secretary of the Navy for the present condition of that branch of the national defence; and for grave suggestions, having for their object the increase of its efficiency, and a greater economy in its management. During the past year the officers and men have performed their duty in a satisfactory manner. The orders which have been given, have been executed with promptness and fidelity. A larger force than has often formed one squadron under our flag was readily concentrated in the Gulf of Mexico, and, apparently, without unusual effort. It is especially to be observed, that, notwithstanding the union of so considerable a force, no act was committed that even the jealousy of an irritated power could construe as an act of aggression; and that the commander of the squadron, and his officers, in strict conformity with their instructions, holding themselves ever ready for the most active duty, have achieved the still purer glory of contributing to the preservation of peace. It is believed that at all our foreign stations the honor of our flag has been maintained, and that, generally, our ships of war have been distinguished for their good discipline and order. I am happy to add, that the display of maritime force which was required by the events of the summer, has been made wholly within the usual appropriations for the service of the year, so that no additional appropriations are required.

The commerce of the United States, and with it the navigating interest, have steadily and rapidly increased since the organization of our government, until, it is believed, we are now second to but one power in the world, and at no distant day we shall probably be inferior to none. Exposed as they must be, it has been a wise policy to afford to these important interests protection with our ships of war, distributed in the great highways of trade throughout the world. For more than thirty years appropriations have been made, and annually expended, for the gradual increase of our naval forces. In peace, our navy performs the important duty of protecting our commerce; and, in the event of war, will be, as it has been, a most efficient means of defence.

The successful use of steam navigation on the ocean has been followed by the introduction of war-steamers in great and increasing numbers into the navies of the principal maritime powers of the world. A due regard to our own safety and to an efficient protection to our large and increasing commerce demands a corresponding increase on our part. No country has greater facilities for the construction of vessels of this description than ours, or can promise itself greater advantages from their employment. They are admirably adapted to the protection of our commerce, to the rapid transmission of intelligence, and to the coast defence. In pursuance of the wise policy of a gradual increase of our navy, large supplies of live-oak timber, and other materials for ship-building, have been collected, and are now under shelter and in a state of good preservation, while iron steamers can be built with great facility in various parts of the Union. The use of iron as a material, especially in the construction of steamers, which can enter with safety

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many of the harbors along our coast now inaccessible to vessels of greater draught, and the practicability of constructing them in the interior, strongly recommends that liberal appropriations should be made for this important object. Whatever may have been our policy in the earlier stages of the Government, when the nation was in its infancy, our shipping interests and commerce comparatively small, our resources limited, our population sparse and scarcely extending beyond the limits of the original thirteen States, that policy must be essentially different now that we have grown from three to more than twenty millions of people,—that our commerce, carried in our own ships, is found in every sea, and that our territorial boundaries and settlements have been so greatly expanded. Neither our commerce, nor our long line of coast, on the ocean and on the lakes, can be successfully defended against foreign aggression by means of fortifications alone. These are essential at important commercial and military points, but our chief reliance for this object must be on a well-organized, efficient navy. The benefits resulting from such a navy are not confined to the Atlantic States. The productions of the interior which seek a market abroad, are directly dependent on the safety and freedom of our commerce. The occupation of the Balize below New Orleans by a hostile force would embarrass, if not stagnate, the whole export trade of the Mississippi, and affect the value of the agricultural products of the entire valley of that mighty river and its tributaries.

It has never been our policy to maintain large standing armies in time of peace. They are contrary to the genius of our free institutions, would impose heavy burdens on the people, and be dangerous to public liberty. Our reliance for protection and defence on the land must be mainly on our citizen soldiers, who will be ever ready, as they ever have been ready in times past, to rush with alacrity, at the call of their country, to her defence. This description of force, however, cannot defend our coast, harbors, and inland seas, nor protect our commerce on the ocean or the lakes. These must be protected by our navy.

Considering an increased naval force, and especially of steam-vessels, corresponding with our growth and importance as a nation, and proportioned to the increased and increasing naval power of other nations, of vast importance as regards our safety, and the great and growing interests to be protected by it, I recommend the subject to the favorable consideration of Congress.

The report of the Postmaster General herewith communicated, contains a detailed statement of the operations of his department during the past year. It will be seen that the income from postages will fall short of the expenditures for the year between one and two millions of dollars. This deficiency has been caused by the reduction of the rates of postage, which was made by the act of the third of March last. No principle has been more generally acquiesced in by the people than that this department should sustain itself by limiting its expenditures to its income. Congress has never sought to make it a source of revenue for general purposes, except for a short period during the last war with Great Britain, nor should it ever become a charge on the general treasury. If Congress shall adhere to this principle, as I think they ought, it will be necessary either to curtail the present mail service,

so as to reduce the expenditures, or so to modify the act of the third of March last as to improve its revenues. The extension of the mail service, and the additional facilities which will be demanded by the rapid extension and increase of population on our western frontier, will not admit of such curtailment as will materially reduce the present expenditures. In the adjustment of the tariff of postages the interests of the people demand, that the lowest rates be adopted which will produce the necessary revenue to meet the expenditures of the department. I invite the attention of Congress to the suggestions of the Postmaster General on this subject, under the belief that such a modification of the late law may be made as will yield sufficient revenue without further calls on the treasury, and with very little change in the present rates of postage.

Proper measures have been taken, in pursuance of the act of the third of March last, for the establishment of lines of mail steamers between this and foreign countries. The importance of this service commends itself strongly to favorable consideration.

With the growth of our country, the public business which devolves on the heads of the several Executive Departments has greatly increased. In some respects, the distribution of duties among them seems to be incongruous, and many of these might be transferred from one to another with advantage to the public interests. A more auspicious time for the consideration of this subject by Congress, with a view to system in the organization of the several departments, and a more appropriate division of the public business, will not probably occur.

The most important duties of the State Department relate to our foreign affairs. By the great enlargement of the family of nations, the increase of our commerce, and the corresponding extension of our consular system, the business of this department has been greatly increased. In its present organization, many duties of a domestic nature, and consisting of details, are devolved on the Secretary of State, which do not appropriately belong to the foreign department of the Government, and may properly be transferred to some other department. One of these grows out of the present state of the law concerning the Patent Office, which, a few years since, was a subordinate clerkship, but has become a distinct bureau of great importance. With an excellent internal organization, it is still connected with the State Department. In the transaction of its business, questions of much importance to inventors, and to the community, frequently arise, which, by existing laws, are referred for decision to a board, of which the Secretary of State is a member. These questions are legal, and the connection which now exists between the State Department and the Patent Office, may, with great propriety and advantage, be transferred to the Attorney-General.

In his last annual message to Congress, Mr. Madison invited attention to a proper provision for the Attorney-General as an "important improvement in the executive establishment." This recommendation was repeated by some of his successors. The official duties of the Attorney-General have been much increased within a few years, and his office has become one of great importance. His duties may be still further increased with advantage to the public interests. As an executive officer, his residence and constant attention at the seat of Government are required.

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Oregon.

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Legal questions involving important principles, and large amounts of public money, are constantly referred to him by the President and executive departments for his examination and decision. The public business under his official management before the judiciary has been so augmented by the extension of our territory, and the acts of Congress authorizing suits against the United States for large bodies of valuable public lands, as greatly to increase his labors and responsibilities. I therefore recommend that the Attorney-General be placed on the same footing with the heads of the other executive departments, with such subordinate officers, provided by law, for his department, as may be required to discharge the additional duties which have been or may be devolved upon him.

Congress possesses the power of exclusive legislation over the District of Columbia; and I commend the interests of its inhabitants to your favorable consideration. The people of this District have no legislative body of their own, and must confide their local as well as their general interests to representatives in whose election they have no voice, and over whose official conduct they have no control. Each member of the National Legislature should consider himself as their immediate representative, and should be the more ready to give attention to their interests and wants, because he is not responsible to them. I recommend that a liberal and generous spirit may characterize your measures in relation to them. I shall be ever disposed to show a proper regard for their wishes; and, within constitutional limits, shall at all times cheerfully co-operate with you for the advancement of their welfare.

I trust it may not be deemed inappropriate to the occasion for me to dwell for a moment on the memory of the most eminent citizen of our country, who, during the summer that is gone by, has descended to the tomb. The enjoyment of contemplating, at the advanced age of near fourscore years, the happy condition of his country, cheered the last hours of Andrew Jackson, who departed this life in the tranquil hope of a blessed immortality. His death was happy, as his life had been eminently useful. He had an unfaltering confidence in the virtue and capacity of the people, and in the permanence of that free Government which he had largely contributed to establish and defend. His great deeds had secured to him the affections of his fellow-citizens, and it was his happiness to witness the growth and glory of his country which he loved so well. He departed amidst the benedictions of millions of freemen. The nation paid its tribute to his memory at his tomb. Coming generations will learn from his example the love of country and the rights of man. In his language on a similar occasion to the present, "I now commend you, fellow-citizens, to the guidance of Almighty God, with a full reliance on His merciful providence for the maintenance of our free institutions; and with an earnest supplication, that whatever errors it may be my lot to commit in discharging the arduous duties which have devolved on me, will find a remedy in the harmony and wisdom of your counsel."

JAMES K. POLK.

WASHINGTON, December 2, 1845.

On motion of Mr. SPEIGHT,

Ordered, That thirty-five hundred copies of the

message, and fifteen hundred copies of the message and accompanying documents, in addition to the usual number, be printed for the use of the Senate.

The Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 2.

*Election of a Clerk.*

Mr. COBB moved the following resolution:

*Resolved*, That Benjamin B. French be, and he is hereby, appointed Clerk of this House for the 29th Congress.

The resolution was read, and agreed to unanimously.

*Oregon.*

Mr. C. J. INGERSOLL rose and said, he desired to occupy the attention of the House for a short time, to present the petition of American citizens in Oregon.

Mr. COLLAMER insisted on the regular order of business.

Whereupon, Mr. INGERSOLL moved that the rules of the House be suspended, to enable him to present the petition.

And two-thirds having voted in the affirmative, the rules were suspended.

So Mr. INGERSOLL presented the memorial. It is signed by — — —, President, [it was impossible to decipher the hieroglyphics,] Joseph Gervey and Francis Revay, Vice Presidents, and by Charles E. Pickett and J. M. Holderness, Secretaries.

The memorial prays Congress to establish a distinct Territorial Government, to embrace Oregon and its adjacent seacoasts.

That the lands of the Wallamette Valley and other necessary portions may be surveyed, and surveyors and land officers appointed and located at convenient points.

That donations of lands may be made according to the faith pledged by the passage of a law through the United States Senate at the 2d session of the 27th Congress, entitled "A bill to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain provisions of the laws of the United States over the same, and for other purposes."

That navy-yards and marine depots may be established on the river Columbia, and upon Puget's Sound, and a naval force adequate to their protection be kept permanently in the adjacent seas.

That a public mail be established, to arrive and depart monthly, between Oregon City and Independence, in Missouri, and also such other local mail-routes as are essential to the convenience and commerce of the Wallamette country and other settlements.

For the establishment of such commercial regulations as may enable them to trade in their



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own Territory at least on an equality with non-resident foreigners.

For adequate means of protection from the numerous Indian tribes which surround them, for the purchase of territories which they are willing to sell, and for agents with authority to regulate intercourse between whites and Indians and between Indian tribes.

That all the overland routes may be thoroughly surveyed, and protection be given to emigrants.

That the star-spangled banner may be planted in and unfurled over the Territory, and kept standing and floating over it in a manner worthy the dignity and power of the nation.

The CLERK having read a portion of the memorial—

MR. BAYLY rose and said, that, as the reading of the memorial did not appear to be attended to, he would move that the further reading be dispensed with, and that it lie on the table and be printed.

This motion was agreed to.

*Public Printer.*

MR. BAYLY moved that the House do now proceed to elect a printer for the House of Representatives for the 29th Congress.

MR. GARRETT DAVIS moved to amend the motion as follows:

"Strike out all after the word '*Resolved*,' and insert the words 'That a committee of five be appointed to let the printing of this House to the lowest bidder, after ten days' advertisement in the newspapers printed in this city; the person or persons to whom it may be let being required to give bond, with sufficient security, for the proper execution of the work; and the necessary printing in the mean time the Clerk of this House is required to have done by the printers for the last House.'

MR. DAVIS said, he supposed that, as a matter of economy, the amendment which he offered was justly entitled to the deliberate consideration of the House. The mode of letting the printing of the departments at the discretion of their heads, prevailed until within the last few years. A reform was proposed and adopted by Congress, and the principle established of letting the printing of the departments to the lowest bidder. What was the consequence? The work, instead of coming into the hands of politicians—adventurers, hungry cormorants, who hang around this city, hunting after the spoils from the Treasury Department—went into the hands of honest operatives, printers, who agreed to perform the work since that time for one-half the previous cost.

Let gentlemen compare the actual sums the printing had cost under the two systems respectively, and they would find, from documentary evidence, that the work had been done for something like fifty per cent. of what had formerly been paid: and with all this saving, the labor had been better performed. He

believed that most of the members of the House had received a printed communication from certain printers in this city, offering to do the work of the present Congress at a reduction, as to some work, of 33½, and as to other descriptions of work of 50 per cent. from the existing prices authorized by law. Now, if so large a saving could be effected on all the vast amount expended for the public printing, while, at the same time, the work was as well, and possibly better done, he put it to gentlemen to say whether their duty to their own constituents and to the country did not demand of them to adopt the plan by which so great a public economy could be secured.

But, important as this might be in itself, it vanished into comparative insignificance when put by the side of another consideration, to which he would invite the attention of the House; and this was, that the adoption of such a plan went directly and effectually to cut up what had justly been styled the spoils system, as brought to bear on the public press. The press had been said, in England, to be the fourth power in the state, coming next after king, lords, and commons. If such was its importance there, it was not less on this side the water. Here all felt, and could not but feel, the vast importance of so mighty an engine. It was surely, then, a matter of the utmost moment that the press should be preserved pure and incorruptible; and that it might be so preserved that the Government should disentangle itself from all corrupting connection with it. But what was the spectacle exhibited by this Government from year to year? Was it not the odious and degrading one of a Government, calling itself purely republican, virtuous, and free, connecting itself in meretricious embraces with a party press the most prostituted in principle, feeding all its venom, and rewarding lavishly its utmost licentiousness? Mr. D. said he would ever maintain it as a principle of the soundest policy, that the Government ought never to connect itself with the newspaper press of the country. Its patronage ought never to be given to a prostituted, polluted, mercenary party press, whether it espoused one side or the opposite in our party contentions. It was the solemn, bounden duty of Congress to disentangle itself from all such connections, and therefore to cease from the patronage it now exercised over the press in any form.

Two or three years ago a proposition had been introduced into that House to reduce the allowance for the public printing of Congress, and a similar measure had again been tried at the last session. An apparent reduction in the prices had indeed been accomplished, but the actual effect of that reduction had been afterwards neutralized, and a party favorite had been amply compensated by ordering vast masses of documentary printing, which was of little or no public utility. For example: the House had ordered very numerous copies of

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the returns of the last Census, and afterwards authorized the printing of a Compendium of the Census. The former of these jobs had cost the House from \$75,000 to \$100,000; for the latter, one printing establishment charged \$45,000, and another \$22,000. Had the plan prevailed of letting out the printing to the highest bidder, the Government would have been enabled to make a saving of not less than \$70,000.

Had he time and inclination, Mr. D. said he could adduce numerous facts of the same description, all going to prove the enormous abuses which had grown out of this mode of doing the public printing. Why should a different practice prevail with regard to this branch of the public expenditure from that pursued in reference to all other branches of it? Was it wise? Were not these expenditures made by advertising for contracts on the lowest terms? Then competition was invited, and the result was that of great economy. The plan had been found to work well. The work was done upon the lowest terms, by skilful and competent undertakers, and an immense saving was effected to the Government. A similar saving would grow out of the adoption of the plan he now proposed to the House. But again he would say that the mere consideration of economy was of no comparative importance to the influence which such a measure would exert on the purity of the press and the corresponding purity of public sentiment. The public press should be kept pure and uncorrupt: it ought to be devoted to truth and to truth alone: it should lend its mighty and controlling power to the cause of morality and of high patriotic principle. But it was vain to expect this so long as the most prominent editors were in the exclusive enjoyment of the public printing.

In conclusion, he expressed his hope that the amendment he had moved would meet with the favor of the House: sure he was that it would in practice effect a saving of at least thirty-three and a third per cent. in the cost of the Government printing—while at the same time its indirect operation would be to purify, to some extent at least, the public press throughout the country generally.

He called for the yeas and nays on the amendment.

Mr. BAYLY, of Virginia, remarked that the amendment of the gentleman from Kentucky had taken him entirely by surprise; and that surprise, in some degree, originated from what seemed to him a new-born zeal for retrenchment in this direction.

He was aware that a proposition had been made at the commencement of the last Congress similar to that now made by the gentleman from Kentucky; and, without knowing the fact, he took it for granted that the gentleman at that time sustained the proposition. But the gentleman and his party were in a majority in this House in 1842, and he had yet

to hear that that gentleman at that time had introduced, and exerted himself to carry out, such a proposition. He thought it very probable that some zeal had been manifested by the gentleman and some of his party on this subject when they had no power to carry it out; but he had yet to learn that it had been manifested when it could have been of some avail. But he did not wish, in the discussion of this subject, to give a party caste to it. He had only referred to it to account for the surprise he had expressed on rising that the proposition should have been made at this time, and under such circumstances as at present existed. They had now no public printer. They had elected a public printer for the last Congress, and for the last Congress only. They were expecting momentarily a Message from the President of the United States, to which all eyes in this Union, and indeed he might say, of Christendom, were in some sort turned. Was that not to be printed? Were they to be delayed until the tedious process of the gentleman had been gone through with before this printing, and such other printing as Congress might in the mean time require, could be done? It would subject them to an extent of inconvenience, he was sure, which they were not called on to incur.

But there was another objection to the adoption of this amendment. If now adopted, the necessities of this House, already referred to, would make it imperatively necessary that a speedy contract should be entered into with the public printer. Who was to be benefited by this? Would a fair competition be secured? The gentleman from Kentucky had referred to the practice of the Government in the analogous cases of the supplies of the War and Navy Departments by contract. But what was the practice of the Government in these cases? Were these contracts let at a day or two's notice, when the country was unapprised that such was to be the case? The contrary was the fact. The practice had not been introduced until a law was passed sanctioning it, and then not until after due notice had been given to contractors from every portion of the Union. The effect of the gentleman's proposition, as now introduced, would be to throw the competition for this printing between two establishments in this city, and two establishments only. If he was correctly informed, he believed that the two establishments—the National Intelligencer and the Union—were the only ones prepared at once to do this printing. But, in any event, under the amendment proposed by the gentleman, the House would be subjected to an inconvenience which he did not think they were called upon to incur.

But, as far as economy was concerned, the mode proposed by the gentleman was not necessary. The compensation of the printer was regulated by law, and was within the control of Congress. If too much was now paid, let the price be reduced. The gentleman would

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*Reception of the President's Message.*

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find no one in this House who would go farther than he would to secure economy in the expenditures of the Government of this description. But he was very much surprised to hear from the gentleman from Kentucky that there were these enormous profits made by the public printer. It was a subject which he (Mr. B.) personally knew nothing of; but he took it for granted that the older members of the House of Representatives, who had been here for the last few years, were pretty good judges of the matter; and if he was to infer any thing from their action, the inevitable conclusion would be, that too much was not paid. What was the history of the matter? At the beginning of the 27th Congress, this House, as he understood, reduced the pay of the printer 15 [20] per cent. At that time, the National Intelligencer was elected the public printer. The original compensation had been fixed under the law of 1819. Subsequent to that time, great improvements had been made in the mechanism of the printing press. Printing could be done cheaper; and a corresponding reduction was made at the commencement of that Congress. But before that Congress had disbanded, the 15 [20] per cent. was restored to the political associates of the gentleman from Kentucky—giving up, as he was told, as a direct bonus, \$40,000, which that establishment had not anticipated when it took the printing. They bound themselves to do the printing at the prices which had been fixed, and this additional amount was given as a direct gratuity. From these facts he should infer that the prices paid were not so extravagant as the gentleman seemed to suppose. Certainly it could not be so in the estimation of the friends of the gentleman who acted with him on that occasion.

From these facts, they were bound to come to one of two conclusions: either that after the reduction of the 15 [20] per cent. the compensation was inadequate; or another conclusion which was not very charitable, and one which he did not choose to make, viz., that this sum was afterwards given to them as a gratuity as partisans. As to much the gentleman had said about divorcing the public press from the patronage of the Government, he entirely concurred with him; and whenever it should be in his power, without inconvenience to the House of Representatives, and without attaining political objects in the seeming effort to avoid them—whenever he could go directly to the point, whenever he could fairly, without attempting a political object of any sort—bring about an entire divorce between the Government and the press, no one would go farther than he would to do it. But in doing this, he did not mean to act with a view to the success of any one establishment in this city or in any other.

Mr. B. further argued that, under this plan, if adopted at the present time, there could not be a fair competition, as they could not allow all the printing of Congress to be delayed until

the matter was made known in Boston, New York, and elsewhere. At the last session of Congress, when the press which executed the public printing was favorable to the political majority of this House, that majority did reduce the rate of compensation, but they did not follow the example set by their predecessors, in first making a reduction, and afterwards restoring it—as, according to the gentleman's own argument, there was no necessity whatever for restoring it, except as a gratuity to political favorites. He hoped the House would vote down the proposition of the gentleman from Kentucky, and that they would go on and make the necessary arrangements for the immediate execution of the work which was pressing on them. If this House were prepared to take the necessary steps towards letting out the printing, by passing a law, by advertising through their proper officer for proposals, by giving sufficient notice, and opening a fair competition, he was not prepared to say he would not go with them, but he did not think this House was required, for the sake of the paltry pecuniary advantage which the gentleman argued it would effect, to suffer the inconvenience and detriment to the public interest of the delay which would be inevitable were this proposition to be adopted.

Mr. B. having concluded—

Mr. DAVIS called for the reading of the resolution and amendment; they were read accordingly.

Mr. McDOWELL, from the joint committee appointed to wait on the President of the United States and inform him that Congress had assembled, that a quorum has been formed in each House, and that Congress is ready to receive any communication he may be pleased to make, reported that the joint committee had discharged the duties assigned it, and that the President would make a communication to the two Houses of Congress forthwith.

#### *Reception of the President's Message.*

Here Mr. DAVIS resumed, but was interrupted by the appearance at the bar of the President's Private Secretary, with the Annual Executive Message, which was received and read.

The reading of the Message (which consumed an hour and fifty minutes) having been concluded—

Mr. CHAPMAN, of Alabama, moved that the Message do lie on the table, and that the usual number of copies thereof be printed.

Mr. O. also moved the previous question.

Mr. BRODHEAD sent to the table to have read the following resolution:

*Resolved*, That the message of the President of the United States be referred to the Committee of the Whole on the state of the Union; and that fifteen thousand copies with and twenty thousand without the accompanying documents be printed for the use of the House, and that the printing be done by the printers to be hereafter elected.

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Election of Officers.

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Mr. CHAPMAN accepted this as a modification of his motion; and

The previous question was then seconded, put, and carried; and under its operation, the resolution submitted by Mr. BRODHEAD, and accepted by Mr. CHAPMAN as a modification of his motion, was agreed to.

#### Public Printer.

The SPEAKER then announced that the question recurred on the motion of Mr. BAYLY, that the House proceed to the election of a public printer, and on the amendment thereto proposed by Mr. GARRETT DAVIS, which were under consideration when the Message of the President was received.

Mr. G. DAVIS, who was entitled to the floor, said that, at this late hour of the day, [it was three o'clock, P. M.,] he felt reluctance at resuming his argument, and would therefore move that the House adjourn.

And thereupon the House adjourned.

#### IN SENATE.

WEDNESDAY, December 3.

The VICE PRESIDENT laid before the Senate the Annual Report of the Secretary of the Treasury.

The following resolution, submitted yesterday by Mr. ALLEN, was taken up, considered, and agreed to:

*Resolved*, That, in addition to the copies of the President's Message and accompanying documents hitherto ordered to be printed for the use of the Senate, there be printed for the use of the Senate twenty-five thousand copies of the Message, together with so much of the accompanying documents as relates to the negotiations between the United States and Great Britain on the subject of the Oregon Territory.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 3.

#### The Public Printing.

The SPEAKER announced that the business first in order was, the resolution offered yesterday by the gentleman from Virginia, (Mr. BAYLY,) providing that the House do now proceed to the election of a printer for the 29th Congress. And the pending question was on the following amendment heretofore offered by Mr. G. DAVIS:

"Strike out all after the word '*Resolved*,' and insert the words 'That a committee of five be appointed to let the printing of this House to the lowest bidder, after ten days' advertisement in the newspapers printed in this city; the person or persons to whom it may be let being required to give bond, with sufficient security, for the proper execution of the work; and the necessary printing in the mean time the Clerk of this House is required to have done by the printers for the last House.'"

The debate was continued by Messrs. DAVIS and BAYLY; when—

Mr. MCCONNELL moved the previous question.

The question on the demand for the previous question was then taken, and there was a second.

And the main question was ordered to be now taken.

The question on the amendment was then taken, and decided in the negative—yeas 80, nays 115.

So the modified amendment of Mr. DAVIS was *rejected*.

And the question was then taken on the resolution, to wit: "That the House do now proceed to elect a printer to the House of Representatives for the 29th Congress;" and decided—yeas 129, nays 62.

And so it was decided that the House do now proceed to the election of a public printer.

And the roll of members having been called over by the Clerk, and each member upon the calling of his name, having answered with the name of the person or persons for whom he voted—

The tellers made the following report:

Whole number of votes cast . . .	198
Of which, necessary to a choice . . .	100
Messrs. Ritchie & Heiss received . . .	128
Messrs. Fisk & Dow . . .	69
Messrs. Jefferson & Co. . . . .	2
Messrs. Gales & Seaton . . . . .	4

Thereupon the SPEAKER announced that Messrs. RITCHIE & HEISS, having received a majority of all the votes cast, were duly elected printers to the House of Representatives for the 29th Congress.

#### Sergeant-at-Arms.

Mr. BRODHEAD moved that the House proceed to the election of a Sergeant-at-Arms.

Before the question was put on this motion, Mr. TIBBATTS moved the following resolution:

*Resolved*, That N. LANE be appointed Sergeant-at-Arms to this House.

The resolution was read and adopted without a division.

#### Doorkeeper.

Mr. DOUGLAS moved that CHARLES S. WHITNEY, of Illinois, be appointed Doorkeeper to the House. Agreed to without a division.

#### Postmaster.

Mr. BAYLY moved that the House proceed to the election of a Postmaster. The motion having been agreed to—

The roll was called over by the Clerk, and the result of the vote was as follows:

Whole number of votes . . . . .	199
Necessary to a choice . . . . .	100

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Oregon Petition.

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For John M. Johnson . . . . .	102
" William J. McCormick . . . . .	71
" Robert Bronaugh . . . . .	21
" A. S. Gammon . . . . .	5

So JOHN M. JOHNSON, the present incumbent, having received a majority of the whole number of votes, was declared to be duly elected.

## IN SENATE.

MONDAY, December 8.

Mr. AROHE presented the credentials of ISAAC S. PENNYBACKER, elected a Senator from the State of Virginia for the term of six years from the fourth of March last; which were read.

Mr. PENNYBACKER then appeared, was sworn, and took his seat.

Mr. AROHE presented the credentials of JOHN MACPHERSON BERRIEN, elected a Senator from the State of Georgia, until the fourth of March, 1847, to fill the unexpired term of J. M. Berrien, resigned.

Mr. BERRIEN then appeared, was sworn, and took his seat.

## Oregon Petition.

Mr. BENTON rose for the purpose of presenting to the Senate a paper from Dr. White, who occupied the position of Indian agent for the tribes occupying the Territory of Oregon, west of the Rocky Mountains. This gentleman had for the last half-dozen years been employed on that side of the Rocky Mountains; and the paper which he now desired to present accompanied a petition from the American citizens inhabiting the Oregon Territory. These petitioners stated that, for the preservation of order they had, among themselves, established a provisional and temporary government, subject to the ratification of the United States Government. The petition set forth, in strong and respectful language, arguments why the citizens residing in that section of country should be protected for the purpose of preserving their rights, and also as a means of preserving order. The memorial was drawn up in a manner creditable to the body by which it was presented, to the talents by which it was dictated, and to the patriotic sentiments which pervaded it; and the application was worthy of a favorable consideration for its moderation, reasonableness, and justice. As the best means of spreading the contents of this petition before the country, and doing honor to the ability and enterprise of those who had presented it, he moved that it be read at the bar of the Senate.

The petition was then read.

Mr. BENTON then moved to print the petition.

Which motion was agreed to.

The memorial is as follows:

*To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

Your memorialists and petitioners, the representatives of the people of Oregon, for themselves and

in behalf of the citizens of the United States residing in this Territory, would respectfully submit to the consideration of your honorable body some of the grievances under which we labor, and pray your favorable consideration of our petition for their remedies.

Without dilating upon the great importance of this Territory as an appendage to the Federal Union, or consuming your valuable time in repeating to you the oft-repeated account of our agricultural and commercial advantages, we would, with due deference, submit to your serious consideration our peculiar difficulties as occupants of this Territory. As, by treaty stipulations between the Government of the United States and Great Britain, this Territory has become a kind of neutral ground, in the occupancy of which the citizens of the United States and the subjects of Great Britain have equal rights, and, as your memorialists humbly conceive, ought to have equal protection: such being the fact, the population of the Territory, though promiscuously interspersed, is composed of the subjects of a crown and the citizens of a republic, between whom no common bond of union exists.

It may naturally be supposed, in the absence of any provision having been made made by the two Governments to prevent or settle any such occurrence, that conflicting interest, aided by ancient prejudices, would speedily lead to results the most disastrous, particularly when it is considered that this mixed population exists in the midst of numerous and warlike tribes of Indians, to whom the smallest dissensions among the white inhabitants would be the signal to let loose upon their defenceless families all the horrors of savage warfare.

To prevent a calamity so much to be dreaded, the well-disposed inhabitants of this Territory have found it absolutely necessary to establish a provisional and temporary Government, embracing all free male citizens; and whose executive, legislative, and judicial powers should be equal to all the exigencies that may arise among themselves, not provided for by the Government to which they owe allegiance. And we are most happy to inform your honorable body, that, with but few individual exceptions, the utmost harmony and good will has been the result of this, as we conceive, wise and judicious measure; and the British subjects and American citizens vie with each other in their obedience and respect to the laws, and in promoting the common good and general welfare of Oregon.

Although such has been the result, thus far, of our temporary union of interests—though we, the citizens of the United States, have had no cause to complain, either of exactions or oppression at the hands of the subjects of Great Britain, but, on the contrary, it is but just to say that their conduct towards us has been most friendly, liberal, and philanthropic; yet we fear a long continuance of the present state of things is not to be expected—our temporary Government being limited in its efficiency and crippled in its powers by the paramount duty we owe to our respective Governments—our revenue being inadequate to its support—and the almost total absence, apart from the Hudson Bay Company, of the means of defence against the Indians, which recent occurrences lead us to fear entertain hostile feelings towards the people of the United States.

Your memorialists would further inform your

honorable body, that while the subjects of Great Britain, through the agency of the Hudson Bay Company, are amply provided with all the munitions of war, and can afford, by means of their numerous fortifications, ample protection for themselves and their property, the citizens of the United States are scattered over a wide extent of territory, without a single place of refuge; and, within themselves, are almost entirely destitute of the means of defence.

Your memorialists would further crave your indulgence to remark, that Great Britain has, by extending her criminal code to this country, guaranteed every British subject, claiming his birth-right, a legitimate trial by the laws of his country. We, as citizens of the United States, having neither the military protection of our Government, nor the extension to us of the civil laws of our country, are forced to the enactment and execution of laws not authorized, and, for what we know, never will be sanctioned by our Government.

Your memorialists would further call the attention of your honorable body to the fact, that as citizens of the United States, we labor under the greatest commercial disadvantages: we have neither ships of war nor of commerce, nor any navigation of the rivers of the interior; and for want of adequate protection, no private capitalist among us can establish a successful competition with a wealthy and powerful monopoly, possessing all the appliances of commerce, and all the influence over the natives by an early establishment among them. We are, therefore, dependant for a market for a large and increasing surplus, and for nearly all our supplies, upon a single company, which holds the market under its control.

Your memorialists, with a view to remedy the grievances under which they labor, pray the National Congress to establish a distinct Territorial Government, to embrace Oregon and its adjacent seacoasts.

We pray for adequate means of protection from the numerous Indian tribes which surround us; for the purchase of territories which they are willing to sell; and for agents, with authority to regulate intercourse between whites and Indians, and between Indian tribes.

That donations of lands may be made according to the inducements held out to us by the passage of a bill through the United States Senate, at the second session of the 27th Congress, entitled "A bill to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes."

That navy yards and marine depôts may be established on the river Columbia, and upon Puget's Sound, and a naval force adequate to our protection be kept permanently in the adjacent seas.

That a public mail be established, to arrive and depart monthly from Oregon City and Independence, and such other local mail routes be established as are essential to the Wallamette country and other settlements.

We pray for the establishment of such commercial regulations as may enable us to trade in our own Territory at least on an equality with non-resident foreigners.

We pray that adequate military protection be

given to emigrants coming to us, either by the establishment of posts on the route, or by military escort.

And we pray that, in the event you deem it inexpedient as a measure, or contrary to the spirit of existing treaties, to establish a Territorial Government in Oregon, you extend to us adequate military and naval protection, so as to place us at least upon a par with other occupants of this country.

For the granting of which your memorialists will every pray.

(Signed.)

OSBORN RUSSELL,  
PETER G. STEWART,  
*Executive.*  
J. W. NESMITH,  
*Judge of Circuit Court.*

*Members of the Legislative Committee:*

M. M. McCONNER, <i>Speaker,</i>	JESSE APPLIGATE,
MEDAD G. FOIST,	W. H. GRAY,
JOHN GARRISON,	ABRAHAM BENDRICH,
DAVID HILL,	H. A. G. LEE,
BARTON LEE,	JOHN MCCLURE,
ROBERT NEWELL,	J. W. SMITH,
	HIRAM STRAIGHT.

Done at Oregon City, 28th June, 1845.

Attest: J. E. LONG, *Clerk.*

HOUSE OF REPRESENTATIVES.

MONDAY, December 8.

Mr. JEFFERSON DAVIS and Mr. ROBERT W. ROBERTS, members elect from the State of Mississippi, appeared, were qualified, and took their seats.

IN SENATE.

TUESDAY, December 9.

The following Message was received from the President of the United States, by the hands of Mr. Walker, his Private Secretary:

*To the Senate and House of Representatives:*

I communicate herewith a letter received from the President of the existing Government of the State of Texas, transmitting duplicate copies of the constitution formed by "the deputies of the people of Texas, in convention assembled," accompanied with official information that "the said constitution has been ratified, confirmed, and adopted by the people of Texas themselves, in accordance with the joint resolution for annexing Texas to the United States, and in order that Texas might be admitted as one of the States of that Union."

JAMES K. POLK.

WASHINGTON, Dec. 9, 1845.

The Message and documents were laid on the table.

*Election of Officers.*

The Senate then proceeded to ballot for a Secretary; and the ballots having been taken, the result was announced as follows:

For ASBURY DICKENS, 26. for Judge STUBBS, 24.

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So ASHURBY DICKENS was re-elected Secretary of the Senate.

The Senate then proceeded to ballot for Sergeant-at-Arms and Doorkeeper; when the result was announced as follows:

For ROBERT BEALL, 40; for RANDOLPH COYLE, 4; blanks, 8.

So ROBERT BEALL was elected Sergeant-at-Arms and Doorkeeper, to fill the vacancy caused by the death of EDWARD DYER.

The Senate then proceeded to ballot for Assistant-Doorkeeper; when the result was announced as follows:

ISAAC HOLLAND, 25; SETH SALISBURY, 22; H. E. RIELL, 1; Mr. PEASE, 1.

So ISAAC HOLLAND was elected Assistant-Doorkeeper in the place of ROBERT BEALL.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 9.

*Admission of Texas.*

Mr. ADAMS presented a remonstrance of citizens of the town of Denmark, in the county of Lewis, in the State of New York, against the admission of Texas into the Union as a slave-holding State, and moved that the remonstrance be referred to a Select Committee, to be composed of one member from each State.

On this question Mr. ADAMS asked the yeas and nays, which were ordered; when

A motion was made to adjourn. Negatived.

Mr. HOUSTON, of Alabama, moved to refer the remonstrance to the Committee on Territories, which takes precedence of a Select Committee. This motion prevailed; and so the remonstrance was referred to the Committee on Territories.

Mr. ADAMS then presented sundry other similar remonstrances from citizens of various other parts of the State of New York; also from the States of Pennsylvania, Maine, Massachusetts, and Indiana, and moved their reference to the same committee.

## IN SENATE.

WEDNESDAY, December 10.

*Admission of Texas.*

Mr. LEWIS gave notice that he would on tomorrow ask leave to introduce a bill for the admission of Texas into the Union.

Mr. TURNER expressed his hope that the Senator from Alabama would be permitted to introduce the bill of which he had given notice at this time. It was of much importance that immediate action should take place on the subject.

Mr. LEWIS said that if there was no objection, he would himself prefer to introduce the bill at this time. It was very important that it should be passed without delay. There were a great many goods in the city of New York, which had been prepared for the Texas market,

and they could not be shipped at present without being subjected to heavy duties.

No objection being made—

Mr. LEWIS introduced the following bill for the admission of Texas into the Union; which was read a first and second time, and referred to the Committee on the Judiciary:

*A bill for the admission of the State of Texas into the Union.*

Whereas the people of Texas have, through their deputies in convention assembled, agreed to the terms and conditions of the joint resolutions of Congress, approved March 1, 1845, providing for annexing Texas to the United States; and whereas the said people of Texas have also, by their said deputies in convention, adopted a republican form of Government, by forming a constitution, agreeable to the requirements of said joint resolutions; and whereas the same, together with the conditions of annexation, have been ratified by said people of Texas by their vote at the polls:

*Be it therefore enacted by the Senate and House of Representatives of the United States in Congress assembled,* That the republic of Texas be, and the same is hereby, admitted as a State into the Union, on an equal footing with the original United States, in all respects whatsoever; and that from and after the passage of this act, the civil and military jurisdiction of the United States Government be extended over said State of Texas.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 10.

*Admission of Texas.*

Mr. DOUGLAS rose, and asked leave, at this time, to make a report from the Committee on the Territories.

Objection being made,

Mr. DOUGLAS moved a suspension of the rules.

After some conversation, Mr. GRAHAM, of North Carolina, called for the reading of the report or joint resolution. And it was read as follows:

*Resolution for the admission of the State of Texas into the Union.*

Whereas the Congress of the United States, by a "joint resolution," approved March the 1st, 1845, did consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of the said republic by deputies in convention assembled, with the consent of the existing Government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution: And whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing Government, did adopt a constitution, and erect a new State, with a republican form of Government, and in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the

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proposals, conditions, and guarantees contained in the said first and second sections of said resolution: And whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

*Be it further resolved,* That, until the representatives in Congress shall be appointed according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two representatives.

The question on the motion to suspend the rules was then taken; and, two-thirds voting therefor, the rules were suspended.

And the joint resolution being then before the House, and having had its first and second reading—

Mr. DOUGLAS moved that it be made the special order of the day for Tuesday next, and that it be printed.

The SPEAKER put the question on this motion; declaring the decision to be in the affirmative.

#### *Texas.*

The SPEAKER renewed the call of the States for the presentation of petitions and memorials, commencing with the State of Massachusetts, where the call rested yesterday at the adjournment.

Mr. ADAMS, having the floor on this subject, offered a remonstrance of similar character to several yesterday offered by him, protesting against the annexation of Texas to the Union as a slave State—remarking that as the Committee on Territories to whom had yesterday been referred petitions of this character, had this morning made a report of a joint resolution on the subject, it was improper to make further reference to them. He moved to refer the remonstrance to the Committee of the Whole on the state of the Union.

Mr. BOYD moved to lay the remonstrance on the table.

The SPEAKER. This being a privileged motion, will take precedence.

Mr. ADAMS. I ask for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered.

Mr. G. S. HOUSTON wished to know of the Chair if the proposition for the admission of Texas into the Union was not before the House—having been reported from the Committee on Territories this morning; and if it had not been made the special order of the day for Tuesday next?

The SPEAKER replied in the affirmative.

Mr. HOUSTON. And this remonstrance is on

the same subject, and the motion to lay it on the table is to have it remain before the House with the joint resolution?

The SPEAKER. The motion is to lay the remonstrance on the table.

Mr. HOUSTON. I presume the object of the gentleman in this motion was to have the remonstrance remain where it is—before the House.

The SPEAKER reminded the gentleman that debate on this motion was not in order.

The question was then taken, and decided in the affirmative—yeas 115, nays 72.

So the remonstrance was laid on the table.

Mr. ADAMS presented a number of other petitions and memorials of various kinds, and for various purposes; and having at length reached the bottom of the pile, took his seat, with the remark that, "to his great satisfaction, he had got through his budget."

#### *Death of General Dawson.*

Mr. HARMANSON, of Louisiana, rose and addressed the House as follows:—

It is, indeed, Mr. Speaker, a painful duty I have to perform, to announce to this honorable body the demise of one of its most gifted members, my friend and predecessor, Gen. J. B. Dawson, of Louisiana, member elect to the 29th Congress.

He was called into public life, Mr. Speaker, at a very early age; and, guided by his noble nature, embraced the Jeffersonian doctrines, the great humanizing cause of equal rights; and he fervently believed, sir, if fairly carried out, they would produce a higher civilization, a more perfect happiness, a more refined virtue, and a larger liberty than has yet fallen to the lot of man. And, to attain those great ends, he labored with a zeal, energy, and ability, that gave him the unbounded confidence of his friends; and his great courtesy, frankness, and noble bearing won him the admiration and esteem of his opponents. Yet, Mr. Speaker, he had his faults—some thought, grave faults. But, sir, they were so overshadowed by his many great virtues, that his friends, at least, were blind to them. He was highly intellectual, accomplished, generous, and brave. Of the keenest sensibility, he ever had a tear of sympathy for the afflicted and oppressed. His purse was ever open to relieve distress. As to fear, he was an utter stranger to it. Indeed, sir, he was the very soul of chivalry. He is gone, Mr. Speaker; he is gone, sir, out off in the meridian of his life, in the zenith of his usefulness. His frail constitution sank under your cruel northern blasts. But he had the great consolation of reaching his beloved home—his beloved Tunica hills—and there to meet and mingle with his relatives and friends; and, Mr. Speaker, their hearts sank within them when they beheld but the wreck, the shadow, of their beloved Dawson. They saw that his days were numbered; but hope, that great comforter, had not deserted him. He promised



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he would soon get well. God, sir, willed it otherwise. And, Mr. Speaker, in this closing of his days he had the holy satisfaction of being surrounded by devoted friends, and an angel wife, to smooth his pillow, to sooth and comfort him; of drawing his last breath in her arms, and giving her his last, long, farewell look. His grave, Mr. Speaker, was attended by all the surrounding country, rich and poor, political friend, and political foe. All paid tribute to his many virtues, and all forgot he ever had faults.

Mr. H. concluded by moving the following resolutions:

1. *Resolved*, That this House has heard with deep sensibility the annunciation of the decease of the Hon. JOHN B. DAWSON, a member elect of this House from the State of Louisiana, who died at his residence in that State in the month of June last.

2. *Resolved*, That this House tenders to the surviving widow and relatives of the deceased the expression of its sympathy on this bereavement; and, as a testimony of respect for the memory of the deceased, the members and officers of this House will wear crape on the left arm for thirty days.

3. *Resolved*, As a further mark of respect for the memory of the deceased, that the House do now adjourn.

These resolutions were adopted unanimously. And the House adjourned.

#### IN SENATE.

THURSDAY, December 11.

#### *Death of General Dawson.*

A message was received from the House of Representatives informing the Senate that resolutions of respect had been passed in memory of the late JOHN B. DAWSON, of Louisiana, a member of the House,

The message having been read—

Mr. JOHNSON, of Louisiana, rose and said, that the message from the House of Representatives, just read, imposed upon him the duty of moving the ordinary resolutions on such occasions, as a mark of respect to the memory of his deceased colleague, the Hon. JOHN B. DAWSON, late a member of the House of Representatives. The deceased had suffered much during the last winter, having had a severe attack of illness, which confined him to his chamber for several weeks before and after the adjournment of Congress. His disease was greatly aggravated by the rigor of the climate here, as well as from his injudicious efforts to attend to his official duties, for he was always zealous and faithful in the discharge of his duties to his country. As soon after the close of the session of Congress as he was able to travel, he set out on his return home, and reached his residence in Louisiana in a very feeble condition, where he lingered in great pain, which he endured as became a Christian, until the

16th of June last, when, surrounded by his family and friends, he calmly resigned his soul to his God who created it, soothed in his last moments by the benign influence of the Christian religion—the Christian's hope—the sweetest consolation in the hour of death.

In the course of the last two years (said Mr. J.) Louisiana had mourned the loss of three of her distinguished sons, who were at the times of their death members of this and the other House of Congress. The names of PORTER, BOSSIER, and DAWSON will ever be held in grateful remembrance by the people of Louisiana. Indeed, within that short period, an unusual number of the members of both Houses of Congress have been gathered to their fathers, admonishing us of the uncertainty of life, and of the necessity of being always prepared to meet our fate.

The deceased (said Mr. J.) had received many distinguished proofs of the respect and confidence of the people of Louisiana. He had been repeatedly elected to the Legislature of the State; twice to the Congress of the United States; and when first elected to Congress he held two important offices under the State: he was Major-General of the Militia, and was distinguished as an active, gallant officer; and he was Judge of the Parish Court of the Parish in which he resided—a court possessing high and important functions. He discharged the duties of all these situations in a manner highly honorable to himself, and pleasing to the people of Louisiana. Whatever were his faults, (for no man is free from faults,) they are buried with him, there to be forgotten, whilst his many virtues will long be cherished in remembrance. To a bland and affable disposition, he united great firmness and decision of character. No man was ever more totally exempt from sordid or selfish propensities. He was, in fact, generous to a fault, and he possessed in an eminent degree the best feelings of the human heart. Brave, patriotic, just, magnanimous in all his transactions, he was beloved and admired by his numerous friends.

Although it so happened (said Mr. J.) that we had long been opposed in politics, feelings of a friendly character uniformly existed between us; and it affords me pleasure on this occasion to bear testimony to the many high and generous traits of character with which he was endowed. But you are aware (he said) that this is not the time or place for a lengthy eulogium on the character of the deceased. Thus much, however, he felt to be due to his own feelings, as well as to the memory of the deceased.

Mr. J. then submitted the following resolutions, which were agreed to:

*Resolved*, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the Hon. JOHN B. DAWSON, a Representative from the State of Louisiana.

*Resolved unanimously*, That the members of the

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Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

*Resolved*, That, as a further mark of respect for the memory of the deceased the Senate do now adjourn.

On motion of Mr. MANGUM, it was

*Ordered*, That when the Senate adjourns, it adjourn to meet on Monday.

The Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, December 11.

##### *Admission of Texas.*

Mr. ADAMS presented a remonstrance similar to those preceding, remonstrating against the admission of Texas as a slave State; remarking that he had many more remonstrances of this nature to present, and that he supposed the Committee on Territories had concluded their deliberations on the subject in the production of the report referred to. He now repeated the motion he had previously made, to refer this memorial, together with the others previously presented, to a Select Committee, to be composed of one member from each State in the Union.

Mr. BOYD moved to lay the remonstrance on the table. Agreed to.

Mr. ADAMS, still retaining the floor, remarked that, from the proceedings of the House upon these memorials, of which he had presented a number, and of which he, as well as other gentlemen, had numbers more to present, he inferred that it was not intended that these remonstrances should be heard; that it was intended to have this measure carried through without any reference or respect to the remonstrances against it. He had, therefore, to submit to what appeared to be the decision or the intention of the House, and had nothing more to do than to present these memorials as they had been forwarded to him, and leave the House to decide upon them as they thought proper.

Mr. A. thereupon proceeded to present his large file of petitions, in accordance with the notice he had given.

The SPEAKER said he would respectfully state to the House, that inasmuch as the House had once determined to lay memorials of this description on the table, the Chair would order the Clerk so too dispose of them, unless otherwise ordered.

[Cries of "Agreed, agreed."]

No motion being made, the petitions were disposed of as intimated by the Speaker.

Mr. J. ROCKWELL presented a number of remonstrances of similar character, from citizens of Massachusetts, against the admission of Texas into the Union as a slave State.

Mr. R. moved that these remonstrances be made the special order of the day for Tuesday

next, to come up with the resolutions referred to, which had been set apart for that day.

Mr. GRAHAM rose and inquired if it would be in order to move to lay the petition on the table.

The SPEAKER. It would be in order.

Mr. GRAHAM. I make that motion.

The question being then taken, the motion was agreed to, and the petitions were laid on the table.

Like remonstrances were also presented by Messrs HUDSON, THOMPSON of Massachusetts, ASHMUN, D. P. KING, SEVERANCE, ABBOTT, GRINNELL, WINTHROP, ARNOLD, HUBBARD of Connecticut, TRUMAN SMITH, DIXON, ROCKWELL of Connecticut, COLLAMER, MARSH, DILLINGHAM, RATHBUN, GORDON, WILMOT, HUNGERFORD, CULVER, HOLMES of New York, PRESTON KING, BENTON, HAMPTON, LEVIN, STROHM, J. R. INGERSOLL, ROOT, GIDDINGS, TILDER, CALKES B. SMITH, DUNLAP, and WILLIAMS of Maine.

FRIDAY, December 12.

##### *Death of Joseph H. Peyton.*

Mr. MILTON BROWN rose, and addressed the House as follows:

Mr. Speaker: It becomes my unwelcome duty to announce that another member of this body has been transferred from time to eternity. On the 12th of November last, Dr. JOSEPH H. PEYTON died at his residence, in Tennessee. He was my colleague, and intimate friend. When I left home, I expected to meet him here, and renew the interchange of a mutual friendship, which I was proud to know was deep and sincere. I was also made the bearer to him of messages of affection and friendship from others. But, alas! on my way here, I received the sad intelligence that he was no more! And now, instead of delivering messages of affection and friendship, and interchanging salutations to gladden the heart, I am charged with the melancholy duty of moving for appropriate honors to the memory of my deceased friend.

Dr. PEYTON was comparatively young, and in the full career of distinction for himself, and usefulness for his country. To high intellectual power he added energy of character and moral qualities which gave him a commanding influence with those associated with him, both in public and private life. He was distinguished for firmness in what he believed to be right, and for unshaken integrity and purity of purpose in all his actions. In proportion to his noble qualities was the almost unbounded confidence and affection of his friends. The hearts that beat for him moved with no ordinary pulsation. In the Senate chamber of his own State, and on this floor, his clear and vigorous intellect, and the noble and generous qualities of his heart, had won for him an enviable distinction. His constituents were proud of him; and he stood among them without a rival. They had but recently passed on his conduct, and renewed

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his commission with evidences of decided approbation. In his domestic circle he had the full measure of earthly happiness to a heart like his, in the unbounded affection of the accomplished companion of his bosom, and the offspring of their mutual love. His earthly cup was full—full of all that makes life for the present, desirable, and full of all that seemed to throw light and hope on the future. But an all-wise and inscrutable Providence has called him away; his seat on this floor is vacant; and his hitherto happy home is desolate and hung with the weeds of mourning. Such is the uncertainty of human life.

Dr. PERRY was one of the best and most affectionate of husbands, of fathers; and Heaven in its mercy permitted him to breathe his last surrounded by the cherished objects of his tenderness and affection. This must have been consolation to him in a dying hour, and will be some consolation to those he has left behind him.

In conclusion, I offer the following resolutions, viz:

*Resolved*, That this House has heard with deep sensibility the annunciation of the decease of the Hon. JOSEPH H. PERRY, a member elect of this House from the State of Tennessee.

*Resolved*, That the House tenders to the surviving widow and relatives of the deceased the expression of sympathy on this afflicting bereavement; and, as a testimony of respect for the memory of the deceased, the members and officers of this House will wear crape on the left arm for thirty days.

*Resolved*, That, as a further mark of respect for the memory of the deceased, the House do now adjourn.

The resolutions having been adopted unanimously,

The House adjourned until Monday next.

IN SENATE.

Monday, December 15.

*National Defence.*

Mr. CASS moved that the following resolutions, submitted by him on Tuesday last, be now taken up for consideration:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the condition of the national fortifications and of their armaments, and whether other defensive works are necessary; and into the condition and quantity of the military supplies; and into the state of the means possessed by the Government for the defence of the country.

*Resolved*, That the Committee on the Militia be instructed to inquire into the present condition of that great branch of the public service, and into the state of the militia laws; and that they be further instructed to report such changes in the existing system as will give more experience and efficiency to that arm of defence, and will place it in the best condition for protecting the country, should it be exposed to foreign invasion.

*Resolved*, That the Committee on Naval Affairs

be instructed to inquire into the condition of the navy of the United States, and into the quantity and condition of the naval supplies now on hand, and whether an increase of them is not necessary to the efficient operations of the navy, and to its preservation and augmentation; and, generally, into its capacity for defending our coast and our commerce, and for any service the exigencies of the country may probably require.

The motion was agreed to; and the resolutions being under consideration,

Mr. CASS rose in explanation of his object in submitting these resolutions. It was impossible (he said) to peruse the President's Message and to observe the indications of public sentiment which are crowding upon us from every quarter without being aware that a crisis is fast approaching in the intercourse between this country and Great Britain, which demands the serious consideration, and may require the cordial and active co-operation, of the whole American people. The President has told us that the negotiations respecting Oregon, if they have not reached a close, have, at any rate, reached a position almost equivalent to it. The claims of the respective nations are utterly irreconcilable; and a compromise by a voluntary sacrifice of a portion of their pretensions by one party or by both, or a submission of the whole matter in controversy to some foreign power, seem the only alternatives by which peace can be preserved.

Our Government has already declined to submit our rights to foreign arbitration. That is a process which, under equal circumstances, may well be adopted by independent nations to terminate disputes which would otherwise seek the arbitrament of war. It preserves the honor of both parties, and ought to preserve the just interests of both. It substitutes reason for force, and is therefore suited to the advancing opinions of the age, and to the duties and feelings of Christian communities. But these equal circumstances do not exist in our present dispute with England. There are obvious considerations, into which I need not enter here, growing out of the relative situation of that country and of ours with those powers of Europe from whom an arbitrator would almost necessarily be selected, and out of the influence she possesses over their counsels, and I may add, growing out of the nature of our institutions and the little favor these enjoy at present upon the Eastern continent, which may well have made the Government hesitate to submit important interests at this particular juncture to such a tribunal. It may well have thought it better to hold on to our right, and to hold on, also, to our remedy, rather than commit both to a royal arbitrator. War is a great calamity, and ought to be avoided by all proper means; but there are calamities greater than war, and among these is national dishonor.

I did not rise, sir, as will be seen, to discuss in whole or in part the question of our right to

Oregon. That subject will come up in its own time. There may be some difference of opinion, as well in Congress as in the nation, respecting the territorial extent of that right; though I take this opportunity of expressing my entire and hearty concurrence in the claim as advanced by the President. But I am sure there is no great party, and I trust there are few individuals in this country, who are prepared, even in an extreme spirit of compromise, to accept the most liberal offer that England has yet made. Her pretensions and ours are so widely separated, that there seems no middle ground on which to meet. Our most moderate claim, and her most liberal offer, leave the parties asunder by seven degrees of latitude, and by a large portion of the territory in question. What, then, is our condition? Can we recede? Can we stand still; or must we advance?

As to receding, it is neither to be discussed nor thought of. I refer to it but to denounce it—a denunciation which will find a response in every American bosom. Nothing is ever gained by national pusillanimity. And the country which seeks to purchase temporary security by yielding to unjust pretensions, buys present ease at the expense of permanent honor and safety. It sows the wind to reap the whirlwind. I have said elsewhere, what I will repeat here, that it is better to fight for the first inch of national territory than for the last. It is better to defend the door-sill than the hearth-stone—the porch than the altar. National character is a richer treasure than gold or silver, and exercises a moral influence, in the hour of danger, which, if not power itself, is its surest ally. Thus far, ours is untarnished; and let us all join, however separated by party or by space, so to preserve it.

If we cannot recede, can we stand still? No, Mr. President; in this as in all the other elements of national power and greatness, our duty and our destiny are onwards. We might as well attempt to stay the waves of the Pacific, as to stay the tide of emigration which is setting towards its shores. If this Government had the disposition, it has not the power to arrest this human current. But it has neither—neither the power nor the disposition to do it. There are questions of public right, which may rest in abeyance; which are not called into daily exercise; and need be asserted only when required. But such is not the right by which we hold Oregon. We must maintain it, or abandon it. A vigorous and enterprising people are fast increasing there, who will possess the country by the best of all titles—that of occupation and improvement; and if we do not provide them a Government, they will provide one for themselves. Already necessity has compelled them to organize their civil society, and to make those arrangements for the preservation of order, without which no civilized community can exist. It is only a few days since they made known to you by a judicious and well-written memorial, their condi-

tion and their wants; and asked your interposition to remove the serious difficulties with which they find themselves environed. And think you that if their prayer is unheard, and their grievances unredressed, and if the present state of things continue, that you will find a distant colony patiently awaiting your tardy movements, and ready to admit your jurisdiction when you may be ready to exercise it? No; they will feel themselves neglected, cast off, left to their own resources, the victims of diplomatic chicanery, or of national pusillanimity, and they will seek their own security in their own power. That great truth—not applicable alone to republican Governments, but common to all; and which lay at the foundation of our own Revolution—that protection and allegiance are reciprocal—will soon be heard upon the banks of the Columbia, and will inspire the councils of the hardy pioneers, who, while they have sought a new home in a distant country, have carried with them the sentiments of true liberty to the regions beyond the Rocky Mountains.

It is clearly impossible that the present state of things should continue; nor, I must confess, do I see how it is possible that a community, inhabiting the same region, and possessing the same right to every part of it, can hold a divided allegiance, and be governed at the same time by two distinct and distant sovereignties. When the present anomalous provision was made, the country was unsettled; for the few hunters who roamed over it could hardly be dignified with the name of settlers; and it probably never occurred to the negotiators, nor to their Governments, that this arrangement would outlive the then existing state of things, and would come to operate upon a civilized, a stationary, and a rapidly increasing community.

But what kind of order can a double-headed Government preserve? How are its departments—legislative, executive, and judicial—to be administered? How are rights to be enforced, or wrongs to be prevented or punished? Two neighbors, living within hearing of each other, are responsible to different tribunals, and governed by different codes of laws. Any American killing an Englishman must be tried by an American court and by American laws. But how are English witnesses to be summoned, or English disturbers of the proceedings of the court to be removed or punished? Possessory rights are to be judged by the courts of the party last getting possession. Contracts are to be enforced by the courts of the party charged with violating them. And wrongs are to be redressed or satisfied or punished by the courts of the party accused of committing them. A single American in the midst of an English settlement or a single Englishman in the midst of an American settlement bears with him a charmed life. He may do what he will, and as he will, but he is beyond the reach of restraint, and almost of punishment. He is in-

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vulnerable, and the arrows of justice cannot pierce even his heel. The nearest magistrate who has jurisdiction over him may be hundreds of miles removed; and were he nearer, his national sympathies might naturally be excited in favor of his countryman. There can be no regular grants of land—none, in fact, of those public improvements essential to the progress and stability of society. I present merely the most general views of this subject, but they are sufficient to show how impracticable it would be to attempt to establish this double jurisdiction. It would be easy to pursue the investigation much farther were it necessary.

Who does not see that bitter disputes would soon arise? That each party would accuse the other of partiality and injustice? That violence and bloodshed would follow, and that an intestine war would establish the ascendancy of one or other of these rival and national parties? All this is so plain that he who runs may read. And we are warned by the surest instincts of our nature not to trust our rights and our cause and the cause of humanity to such a partition of justice.

If, then, Mr. President, we can neither retrace our steps nor check them, we must go onward. And England has placed herself in the path that is before us; and if she retain her position, we must meet her. If the last proposition she has submitted is her ultimatum, it is effectively a declaration of war. Its advent may be delayed a few months; but as soon as the notice expires, if she persists, as she will do, in her occupation of the country, the struggle must commence. It is not the notice which is a belligerent measure, for that is a treaty right; but it is the subsequent and immediate course the parties will probably pursue that must lead to war. I hope—or I ought rather to say I wish—that England would awaken to a sense of her injustice, and would yield where she could yield honorably, and ought to yield rightfully. But will she do so? It is safest to believe she will not, and this dictate of prudence is fortified by every page of her history. When did she voluntarily surrender a territory she had once acquired, or abandon a pretension she had once advanced? If a few such cases could be found in the record of her progress and acquisitions, they would be but exceptions, which would render the general principle of her conduct only the more obvious. For my own part, I see no symptoms of relaxation in the claim she has put forth. And the declarations in Parliament of the leaders of the two great parties that divide her Government and her people—Sir Robert Peel and Lord John Russell—show a union of opinion, and foreshadow a union of action, should action be necessary, rarely to be found in the political questions that agitate her councils, and are the index, if not the assurance, of an equal unanimity in public sentiment.

In the London Morning Chronicle of April 5th, is the report of the proceedings in Parliament. Vol. XV.—18

ment of the preceding day, on the receipt of the President's Inaugural Address. I hold the paper in my hand; and, as the discussion was a pregnant one, and ought to be a warning one, I shall take the liberty of reading a portion of it.

[Here Mr. C. read extracts from the paper containing the remarks of Lord John Russell on what he considered the spirit of aggrandizement displayed by the Government and people of the United States, in their course respecting the annexation of Texas.]

Mr. C. then continued: Here, sir, we find the leader of the great Whig party, in his place in Parliament, in effect denouncing the course of the United States in the annexation of Texas, because it tends towards territorial aggrandizement; and the eternal cant about British moderation and philanthropy, and American injustice and ambition, is heard, and read, and believed in every corner of the British dominions. I must confess, sir, I am heartily tired of it. Were the subject and its consequences not so important, these declarations would excite ridicule, as they now excite regret and surprise. They are not confined to ordinary political discussions and to the journals of the day, but they come from the highest men, in the highest places. And here is an eminent English statesman asking the Administration what course they intend to pursue in the altered policy of the United States, as he terms it—as though the voluntary union of two independent people upon this continent were an injury to England, which demanded her immediate attention, and might demand her armed interposition. And he tells us, he understands that communications have been sent to the United States, to Mexico, and to Texas, on the subject of what he calls the new policy of the United States. And we know that those communications to Mexico and to Texas contained large offers to prevent annexation. But, thanks to the onward course of our Government, and to the feelings and determination of the Texan people, this interposition was fruitless; as was the communication to Mexico, if this were designed to embroil us with that country. The well-timed rebuke, administered by the President in his Message, to the French Government for its interposition in our affairs with Texas, might, with equal justice, have been administered to England; and I presume would have been so, had not the President looked upon the course of the one power as natural, judging from past events, while the course of the other was unnatural, impolitic, and unexpected.

But this Whig lecture of Lord John Russell upon the ambition of the United States, and these perpetual eulogiums upon the moderation of England, are in strange contrast with the practical principles and the progress of her empire. The moderation of England, and the ambition of the United States! Why, sir, the world has never seen, since the fall of the Roman empire, such a colossal power as Eng-

land has built up. She has girded the earth with her fortifications, and covered the ocean with her fleets. A comparatively narrow island, off the western coast of Europe, she numbers as her subjects 152,000,000 of people; being more than one-sixth part of the human race; and has reduced to her subjection 8,800,000 square miles inhabited by them, being one-eighth part of the habitable globe. And in the long series of her acquisitions, from the reduction of Ireland downwards, with the exception of her union with Scotland and some recent discoveries in the South Sea, I believe all have been gained by the sword. And when has it happened in her history, that a people, or the smallest fragment of a people, has voluntarily sought peace or protection under her sovereignty? Her armies and fleets have too often been sent out wherever there was a people to be subdued, or the fruits of their industry to be secured. I have no pleasure in dwelling upon this course of ambition. I have no pleasure in national crimination and recrimination. I had far rather dwell upon all she has done—and she has done much—to command the gratitude of mankind, and much for the progress of civilization, of improvement, and of knowledge. But we cannot shut our eyes to the fact, that this country and its institutions enjoy little favor in England. That there is a systematic attack upon our character, and upon what we are, and have been, and upon our future, so far as it is given to foresee and to fear it. I confess all this has produced a lasting impression upon me; and I feel little disposed, in any controversy with that country, to submit to unjust demands, urged in a spirit of unfriendliness, if not of menace.

And if England is moderate, we are ambitious! Why, sir we have made but three acquisitions of territory since we have been a nation. And these were not distant colonies, but coterminous regions. And all three have been made peacefully, bloodlessly. Two were colonies belonging to European monarchies, where the assent of the people to the transfer of their allegiance could not be asked. But they have since shown their satisfaction by their patriotism, and their prosperity has been the reward of it. Nowhere is the Union more prized, nor would it anywhere be more zealously defended. The third and last, and most glorious of these acquisitions, is now in the progress of completion, by the voluntary action of a neighboring people, who knew the value of our institutions, and sought to participate in them, and who asked admission to our confederacy. And we shall receive them with open arms. And it is an encouraging spectacle to the lovers of freedom through the world, and the best tribute that could be offered to its value.

I said, Mr. President, that this was the latest, but I hope it will not be the last of our acquisitions. While I would sacredly respect the just rights of other nations, I would cheerfully

extend the jurisdiction of our own, whenever circumstances may require it, and wherever it can be done without injustice. I have no fear that an extension of territory will weaken our Government, or put in peril our institutions. We have an adhesive and a life-preserving principle, in the exercise of political power by the great body of the people, which is a surer bond of union and preservation than fleets and armies and central powers. If this Administration could crown its labor of acquisition—and in what it has done it has labored with not less ability than success—by the peaceful annexation of California, it would secure imperishable honor for itself, and would command the lasting gratitude of the whole country.

I take it for granted we shall give the notice recommended by the President; for if we do not, we shall leave the people of Oregon without a Government, or with an impracticable one; and, in either event, the country is lost to us; and the notice being given, in twelve months, without an abandonment of a large portion of her claim, we shall find ourselves involved in a war with England. And it will be no common war, Mr. President; it will be a war not merely of interest, but of strong and stormy passions, growing out of the relative situation of the two nations, and out of the very points of resemblance, which will but render the separation of the parties the wider, and the struggle the longer and the bitterer. It will do no good to shut our eyes to the prospect before us. Danger can neither be averted nor avoided by indifference, nor by presumption. Let us look our difficulties, and our duties fully in the face. Let us make preparation adequate to the conjuncture. Let us exhibit to England and to Europe the spectacle of an undivided people, anxious for peace, but ready for war. In the language of Mr. Madison, "let us put the United States into an armor, and an attitude demanded by the crisis, and corresponding with the national spirit and expectation."

One war has already found us unprepared. And what that condition of things cost in blood, and treasure, and disaster, those of us who went through the struggle can well remember; and those who have come upon the stage of action since that period, may learn from the history of the times. And, perhaps, to a certain extent, this must be so, and always will be so. We are all opposed to great military establishments in time of peace. These are as dangerous as they are expensive. And they will therefore never be engrafted into the permanent institutions of the country. But when war threatens, we should commence our preparations, and press them with an energy and a promptitude commensurate with the danger.

The President has discharged his duty ably, patriotically, fearlessly. Let us now discharge ours—not by words merely, but by deeds. The best support we can give him is to respond to

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his declarations by our actions. It is my firm conviction, and I do not hesitate thus publicly to avow it, that the best, if not the only hope that we have of avoiding a war with England, is by exhibiting a public and united determination to prosecute it, should it come, with all the energies that God has given us, and by an instant and serious consideration of the preparations necessary for such offensive and defensive measures as may be required, and as prompt an adoption of them as a just regard to circumstances may demand. Our country is extensive. In many portions of it the population is sparse. The frontier, both Atlantic and inland, is long and exposed.

Our defensive works are unfinished, and some of them are unfurnished. I do not know, but I fear that many important branches of supply are inadequate. Our navy, and especially the steam portion of it, is not upon a scale commensurate with our wants, if war is almost upon us. That navy fought itself into favor, and its country into honor, in the seemingly unequal and almost desperate struggle into which it so gallantly went in the last war. And another contest would find it equally true to its duty, and to the public expectations. I trust the time will never again come, when it will be a question in a great crisis, whether the navy shall be dismantled and rot in our docks, or whether it shall be sent out to gather another harvest of glory upon the ocean. It is the *material* for military and naval operations it is first necessary to procure. Men we have ready; and such is the patriotism inherent in the American character, that they never will be found wanting in the hour of difficulty and of danger. Our militia requires a new and efficient organization. It is a reproach to us that we have suffered this important branch of national defence to become so inefficient. It has almost disappeared from the public view. Both the laws upon this subject, and the administration of them, require immediate and severe examination; for this is one of the great bulwarks of the country in the hour of danger. It has shown its patriotism and valor upon many a bloody field, and the future, if it should need its services, will witness its devotion to the country, whenever and wherever, and however it may be tried. Many of the supplies required for the operations of war, demand time and care for their collection and preparation; and we must remember that we have to do with a people whose arsenals and dock-yards are filled to repletion; whose supplies are upon a scale equal to any probable demand upon them; whose gigantic military and naval establishments announce their power and maintain it; and the structure of whose Government is better fitted than ours for prompt and vigorous and offensive action.

It is in the spirit of these views that I have submitted the resolutions before the Senate, and in which I ask their concurrence.

A great responsibility is upon us. We shall

best discharge it by firmness, and by a wise forecast, which, while it steadily surveys the danger, makes adequate provision to meet it. By thus acting, we shall give a practical approbation of the course of the President; we shall show to our constituents that their interests are safe in our hands; we shall speak neither in a deprecating tone, nor in a tone of defiance, but of firmness, to England; and we shall give to the nations of Europe a proof that republics are as jealous of their rights and honor, and as determined to maintain them, as monarchical Governments.

Mr. MANGUM rose, and said he regretted exceedingly that the honorable Senator from Michigan should have brought forward these resolutions at this time; and more particularly did he regret that the honorable Senator should have thought it necessary to indulge in the strain of remarks which he had thought it proper to use. The honorable Senator says he has the utmost confidence in the wisdom and discretion of the Executive.

Mr. CASS. "Coincidence of opinion."

Mr. MANGUM corrected himself. "Coincidence of opinion" with the Executive. But he was somewhat astonished that the honorable Senator, who seemed to have such confidence in the Executive, should have found it necessary to urge on the Senate, at this time, the adoption of the resolutions which he had brought forward. It could not be doubted that the public mind had been greatly disturbed and inflamed, during the recess, by the rumors which had been spread throughout the country concerning the state of our negotiations with Great Britain on the subject of Oregon, and a great many good citizens had been led to believe that we were about to be forthwith plunged in war. On his arrival here, and an examination of the views of the Executive, he felt great pleasure in saying that he found them marked by a much greater degree of moderation, and more pacific in their tone than he had been led to expect from the tone of the public prints of this city. He could not, therefore, but consider this a most unpropitious time for holding the language with which the honorable Senator from Michigan had deemed it proper to introduce his resolutions. For his own part, he was happy to say that the course of the Executive in relation to this question had given him so much confidence in the wisdom and moderation which would characterize the action of the Executive in the conduct of this difficult and important negotiation, that he was willing to leave it in his hands, where it properly belongs. He was willing to leave it entirely in the hands of the Executive; and if his efforts to conduct the negotiation to an amicable result should fail, and war should be the consequence, let it come; much preferable, in his opinion, would it be, greatly as war must be deplored, to a surrender of any portion of our rights, or to a compromise of our national honor. And if war should eventually come, he would say,

for himself and for that portion of the American people which he represented—although he prayed that in any case, except when it involved our national interests or honor, it might be averted—whenever that extreme measure shall have been determined on and the vote by yeas and nays recorded on our Journals, that he believed there would not be found in this Senate or in the country a single anti-war man. No, sir: differ among ourselves on all minor questions as we may, whatever collisions of opinion there may be among us on mere party topics, or subjects of domestic policy, whenever a proud, arrogant, and he would add, grasping enemy, strikes a blow at us, or by trampling on our rights or honor, compels us to assume a belligerent position, we shall all be found acting together, and presenting an unbroken phalanx, merging all party opposition, and determined to resist the aggression. He prayed that this greatest of national evils might not come upon us. He was perfectly willing to intrust the negotiation to the President; and he would say that in his humble judgment, all agitation of the question—every thing like vituperation or recrimination—was only calculated to precipitate us into that condition, which every man who regarded his country's welfare, every good man on this or on the other side of the Atlantic, must most anxiously desire to avoid, and would most deeply deplore.

He felt an unwillingness to adopt the resolutions at this time, because he could not but regard them, as it must be known to every Senator that they were, unnecessarily pressed on the Senate. It was the duty of the several committees named in them, without special instruction from the Senate, to inquire into the state of the country, and of the different arms of defence under their charge, without being stimulated to the performance of that duty by these resolutions. And what good could result from their adoption? What would be the result of a reference beyond a mere report? And if our defences are weak, such a report will be nothing more than an exposure of our impotent condition, calculated to invite aggression from an enemy that was never known to fail to strike on what was deemed sufficient provocation, both the weak and the strong. On the other hand, if our resources are abundant, and if our preparations are complete, it would be entirely unnecessary and unwise to exhibit to the enemy—if we have an enemy—the actual state of our preparations. If any stimulation were necessary, he would greatly prefer that it should come from that branch of the Government which has the negotiation in charge, whose duty it is to give the necessary information to Congress, and with whom, in some measure, rests the decision of the question. If the negotiations were closed—if there could no longer be cherished a hope of a pacific adjustment—if war be inevitable, as the Senator from Michigan seemed to apprehend—he would say, for himself, and, he would add, he trusted for

every Senator with whom he had the honor to be politically associated on this floor, that ten, twenty, fifty, a hundred millions, the entire resources of the country, would at once be granted, if necessary, to maintain inviolate our national rights and our national honor. He trusted, however, that the whole matter would be honorably and amicably adjusted. The honorable Senator from Michigan had very recently resided in the midst of European agitation, in the very focus of court intrigues; and this association may have imparted to his mind a tone which led him to aggravate the difficulties now existing between Great Britain and the United States. In this country we want no agitation on the subject, nor is any excitation or stimulation necessary to bring the people to a proper feeling of their position, and to the perfect discharge of their duty on all questions affecting their interests.

He was desirous that the President of the United States should be left to conduct this whole negotiation on his official responsibility; and in the event of this great and stupendous evil—if it be really about to burst upon us—if there be no way to avoid it—that he should come with his budget, and lay it before us, and that the matter should be discussed with closed doors; and pursuing this prudent and dignified course, my life on it (said Mr. M.) the patriotism of these chambers will sustain the Executive to the fullest extent which may be necessary to sustain the honor and interest of the country. Let the President do this—not by his subordinates, not by those who have no direct responsibility; for the honorable Senator must remember that during the political dynasty of a late illustrious Administration, of which he was a most distinguished member, whilst the subordinate officers of the Government—the heads of departments—amused us with profound disquisitions on the tariff, and interesting, dialectics on national bank questions, everybody knew that the Executive entertained opposite views. None of these amusing dialecticians were responsible. That great man—for whatever fault I may find with his course, however opposed I was to his political opinions, I have no disposition to detract from his merits—was supreme in his Cabinet, and controlled its policy. I refer (said Mr. M.) to that period in the history of our Government for the purpose of citing an instance in which the officers at the head of the departments reported to this body one way, while every one knew that the views and principles of the Executive took an opposite direction; and this was in a case where the Administration was said to be a unit. He issued his edicts, and the bank fell. And, under the parenthetical Administration which followed, the same division of opinions was apparent, and not only between the Executive and his Cabinet, but there existed a diversity of opinions, a conflict of sentiments, in the President himself, who, with the amiable purpose described in the good



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book, "Not to let the right hand know what the left hand doeth," recommended on the one day the very measure which he vetoed on another.

He did not, however, regard the present Executive as likely to exhibit such a disposition or character as his predecessor. Differing as he did from him, yet knowing his character for personal honor and integrity—and far be it from him to withhold from him his just meed of personal praise—he was willing to leave to him the responsible agency in this matter. He knows the state of the question; and if war is to come, let him adopt the true course with which the honorable Senator from Michigan is familiar: let him lay his recommendations before Congress, and they will meet with support from both sides.

He did not propose to follow the Senator from Michigan through the whole course of his remarks. He had been called up to make this reply without notice, and felt himself entirely unprepared to enter upon an elaborate discussion. But he had felt himself compelled to say thus much by way of comment on what had fallen from the distinguished Senator, and to give a brief expression of the views which were entertained by his constituents, and himself, on this important subject. Of the opinions of even his own associates he was uninformed. But he was desirous that this negotiation should be intrusted to the Executive. Let us stand ready in advance, if necessary, to strengthen his hands, so that if the blow must fall, it may, in its fall, strike on the very sensorium of the enemy, where it will be most seriously felt.

In reference to California, did the honorable Senator from Michigan speak as he did with a view of conciliating Great Britain, and, by thus soothing her feelings, paving the way for our Government to bring this negotiation to a favorable issue? When he reaches out one hand to Oregon, and in the other holds California, was it for the purpose of producing this impression? We all know that the aggrandizement of this country has been looked at, on the other side of the water, with deep jealousy and mistrust. This is proved by too many circumstances to admit of a doubt. Do we propose to obtain California? It would, in that case, be quite as wise and judicious if the Executive would bring the project to maturity without publishing it abroad—to make it the theme of speculation and controversy, by announcing it here with the affected design of stimulating the President, and, in effect, setting all the powers of Europe to work in anticipation of our purpose, and affording them the opportunity to counteract it. The interference of these powers in the annexation of Texas was to me quite as insulting and as offensive a movement as it was to any other man in the country. Strictly speaking, they had the right to do as they did. He would, however, go a step further, and say, that, beyond the rights and possessions which they now have on this continent, it was

the duty of every American citizen to rise up and oppose every further attempt at the colonization of portions of this continent by any power that now exists under the sun.

He trusted that the honorable Senator from Michigan would permit these resolutions to lie over for the present; and he would now move that their further consideration be postponed till to-morrow.

The question being taken on this motion, it was decided in the negative.

Mr. ALLEN then rose, and spoke as follows:

Mr. PRESIDENT: I hope the resolutions will pass—pass without the obstruction of a solitary vote. They are resolutions which address grave subjects of inquiry to the attention of those committees which, by the standing rules of the body, the Senate institute with a view of taking cognizance of these subjects. Now that these resolutions are introduced—now that they have been brought forward for the action of the Senate and the nation, by being upon the journal of the body, their rejection by the Senate would do more to paralyze the energies of this country than any one act that is within the power of the Senate to perform. These resolutions are predicated upon the idea that the state of our home defences in the present aspect of our foreign affairs is such as to require that the attention of Congress should be turned to the national defences. The rejection of these resolutions will not change those foreign relations; but will be virtually a declaration upon the part of the Senate, that they will not even prepare for any emergency that may arise out of our foreign relations. Then, let me ask, what would be the position of the United States? Great Britain is a power whose policy, as well as whose general history, is known throughout the entire civilized world, and needs not to be defined. Great Britain is a power who conducts her negotiations with a fleet upon the coast of the power with whom she negotiates; ever ready to settle questions which cannot be settled by words, by resorting in practice to the ancient Gallic maxim of casting a sabre into the scale. The United States, as has been very wisely observed by the able and greatly experienced Senator from Michigan, is, by the very circumstances arising out of our institutions, always unprepared for the terrible emergency of war. We have no standing army, in the European sense of that term. We have, however, a standing militia,—a nation with a military organization.

The wise object of these resolutions is, to institute an inquiry into the existing organization of the martial force of the country in its three great divisions—of the militia, the army, and the navy. This has been regarded on the other side as almost equivalent to a declaration of war. Why, sir, if these resolutions had been offered in any state of this negotiation, they would have been perfectly innocent, and constituted not the slightest ground of offence on the part of Great Britain.

Suppose we were in no danger, either in the present or the future, of a war with Great Britain, or any other country; suppose we enjoyed the most uninterrupted peace for the present, and the most substantial guaranty of peace for the future: would there be any impropriety in instituting an inquiry into the naval material in our dock-yards and naval stores? Would there be any impropriety in inquiring into the efficiency or inefficiency of the organization of the militia of the country? Would there be any impropriety in inquiring into the condition of the army of the United States? None, I presume. Why, then, is it deemed so exceedingly unwise to institute such inquiries now? Is it meant to be insinuated that we are afraid to prepare for our own defence, because we happen to be engaged in controversy with a power, who boasts of stretching its gigantic arms over the whole habitable globe? Are we not to be permitted even to ask ourselves if we are ready to receive a column of British bayonets in this controversy? Are we ready to receive fifty sail of battle ships forwarded by England to our ports? We cannot ask these questions, it seems. Why? Because it is a movement actually looking to the possibility of a conflict between the two nations.

We had another difficulty with Great Britain, which has been suspended—not settled—by the treaty of 1842. While that treaty was pending, at the very stand I now occupy I said that it contained more seeds of discord than the discord it professed to silence. Pending the negotiation, and the controversy with regard to the north-east boundary between the United States and Great Britain, what did the two Houses of Congress do in reference to the important question of the national defence? They did not stop at inquiring—sending resolutions of inquiry to their several committees as to the efficiency of the defensive means of the Government; but they embodied the national will and the national strength in the form of a solemn law, with, I believe, the unanimous vote of the Senate of the United States. And what was that law? Let me read its title: "An act giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes." That act bears date 8d March, 1839. One of its provisions, the first one, declares:

"The President of the United States is hereby authorized to resist any attempt on the part of Great Britain to enforce by arms her claims to exclusive jurisdiction over that part of the State of Maine which is now in dispute between the United States and Great Britain; and for that purpose he is authorized to employ the naval and military forces of the United States, and such portions of the militia as he may deem advisable to call into service."

Another section of that act authorizes the call by the President of fifty thousand volun-

teers; and another section places \$10,000,000 at the discretion of the United States. Then another section completes the work, and places the entire military resources of the country in the hands of the President. That was what was done on the 8d day of March, 1839, in reference to this very power with whom we are now negotiating.

It was the act of the Roman Senate, on the approach of any great national danger, to pass a resolution conferring upon one of the consuls similar powers. Under that system the consul was armed with the entire monetary and martial forces of the republic to enable him to meet the emergency. In fact, he was created a dictator, but for a limited time; and, in truth, it was not without some feelings of alarm that I heard this act first read in the Senate, conferring upon the President of the United States, and, if I mistake not, by the unanimous vote of this body, powers equivalent to those conferred on the Roman consuls, by which they were clothed with dictatorial authority for a period of six months. Nobody in the United States, however, expected at that time that Great Britain would treat this act as an act of war. Nobody supposed that the passage of such an act, although it was the strongest passed under this Government, would be of itself a provoking cause of war. The act passed. The negotiation and the question in dispute was suspended for the time. Now, what is the case? The President of the United States sets forth in his annual Message to Congress the state of the negotiation, so far as negotiation it could be called; up to the withdrawal on the part of the United States of their last proposition submitted to the British Government. He admonishes us that, for the present at least, nothing has been accomplished by negotiation; and the Senator from Michigan, in this state of affairs, rises in his place in the Senate, and does what every Senator does every session of Congress—moves for a committee of inquiry; and for that, it seems, he has incurred the implied censure of the honorable Senator from North Carolina. Sir, the resolution comes well from the distinguished Senator from Michigan. It comes well because he has the double experience of war and peace, individually; because his age and character were calculated to give to his movement importance which would command these resolutions to the serious attention of the committee to whom they were to be addressed. Is it, then, possible, I would ask, that we have arrived at that humiliating condition that the American Congress is afraid—afraid to institute an inquiry into the efficiency of the martial forces of the United States for the protection of the country? I hope not. The Senator from North Carolina has treated his question as though it were equivalent to a declaration of war. He says he is disposed to trust all this subject to the President. What subject does he mean? The negotiation? We see by the President's Message, that he has

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gone about as far as he can go. The Senator must then mean that the subject-matter of these resolutions is to be trusted to the discretion of the President of the United States.

Mr. MANEUM. If the Senator will permit me, I will make myself better understood by him. The President understands the whole state of this question; and from him I desire all inquiries into the state of our armaments to proceed; not from subordinates, but from the Executive itself.

Mr. CLARK. The Senator uses the term subordinates. May I ask to whom he refers?

Mr. MANEUM. I mean the heads of departments, with whom the heads of committees must necessarily have communication.

Mr. ALLEN. I understood him, sir, precisely as he has now stated. He desires that, before Congress moved, the President should recommend military preparations. Now, so far from Mr. Van Buren having recommended the military preparation authorized in the act to which I have alluded, I have not the least doubt, from my knowledge of the man, and the moderation of his whole character, that he was absolutely astounded when he heard this power had been conferred upon him. Did he ask Congress to place the entire militia of the country at his beck and call? Did he ask Congress to give him the power of deciding on the question of war or peace during the recess of the session? Did he ask Congress to place ten millions of money at his disposal? No. He communicated the facts to Congress in regard to our foreign relations, and the progress of the negotiation, and then Congress proceeded, as was its duty, to judge what legislation should follow on that disclosed state of facts. What did the President do in the present case? He follows a similar course to that which has heretofore been pursued; and now it is our business to assume the responsibility of judging, together with the President, of what the emergency requires in regard to our national defences. Nothing can be more innocent, nothing more judicious, nothing more necessary, than the resolutions which have been submitted by the Senator from Michigan. I had supposed, especially after the able exposition of the mover, showing the necessity of their passage, that they would have passed with the unanimous concurrence of this body.

And now I will conclude with the expression of my sincere gratification at hearing one, and the most prominent, perhaps, of all the observations that dropped from the distinguished Senator from North Carolina. He told us that should war ever come, there was a spirit in the country able to make it powerful enough to cope, not only with Great Britain, but with the whole European world in arms. He told us that should any declaration of war be passed by Congress, from that moment an anti-war man would not be found on the continent.

Mr. AROHNE. The resolutions submitted by the honorable Senator were—what? Resolu-

tions directing committees to inquire with respect to the condition of the national defences. Not one of these committees, to whom these inquiries were directed, had yet been appointed. Whilst, therefore, neither he nor any one here or in the country could have any objection to the objects or the adoption of the resolutions, he desired, with all deference to the better judgment of the Senator from Michigan, to give some reasons why he thought it would have been better not to press their adoption at this moment. How far was this course consistent with the usages or the dignity of the Senate? What the occasion for this prurient or this apprehensive sensibility, which could not wait for the ordinary forms of proceeding, but ran ahead of them to make exhibition of a sublimated patriotism? The appointment of the committees had already been delayed for the unusual period of two weeks. The inquiries proposed could not precede their appointment. Were these committees supposed to require a premature instigation to the discharge of what, independently of these resolutions, would constitute their appropriate functions? The committees would be composed of a controlling majority of the political friends of the honorable Senator. The full power to shape recommendations and the just province would be theirs. Why anticipate an imputation of their dereliction of duty? Was this precipitance the way to impress respect or forbearance on the great inimical power, who was held up to us in such terrors of rapacity and violence? Was exemption from rupture, any more than dignity, to be realized from this splutter of patriotic emotion?

Mr. MANEUM. I rise to call the Senator to order.

Mr. AROHNE proceeded. His remarks had no particular reference to the Senator from North Carolina. He was speaking to what concerned us all—the usages of the Senate, the character of the country; which he had no desire to see compromised by the precipitancy of these resolutions. He was known to have no relations with the present Executive, but he was free to avow his approval of the course which the Executive had taken on this question of Oregon; and was he to show his respect for that course by refusing to confide the recommendations which might be required by the occasion to the wisdom of the Executive? He felt, therefore, reluctance, in this view, to give his acquiescence to the precipitate course proposed, because it implied a diffidence which the action of the Executive had not warranted, in its observance and recommendation of the further action which might be demanded by the exigency of the crisis. To this branch of the Government it belonged to make suggestion of the occasion for new defences and preparations. This was the branch which was supposed to have information as well as cognizance, in a peculiar manner, in this department of the public service. Was there author-

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ity for supposing that it had not discharged its duty, or that it would not, at the proper time, by communicating information of the occasion for preparations, such as the resolutions had in contemplation, and estimates, too, as respected their amount? Neither was he disposed to convey distrust of the just action of this body, at the proper juncture. The instigation of these resolutions was not wanted to our action. What purpose were they then intended to serve in this premature and irregular mode of exhibition? Were we to display a patriotism too ebullient to be expressed by formal modes of proceeding, too sensitive to wait on the suggestive office of the Executive?

But there is another view of the question. Suppose the result of this debate should be to impress the idea that war is inevitable: what would be the effect on the public funds? Will you not impair the fortunes of thousands at a single blow? This debate will be wafted to the remotest bounds of the country. Can any one imagine the horror that will prevail in the bosoms of thousands at the supposition, for a small strip of territory, almost absolutely worthless and barren, two civilized nations are to be plunged into the miseries of warfare? Would it not be astounding that for an object so inconsiderable two great nations should rush into an act of such criminality? What will be said, when this debate goes forth, of the gentlemen of the dominant party, who could not wait the recommendation from the proper quarter, and then make the required appropriation; but who, in the absence of such recommendation, and before the committees are organized, precipitate themselves into a warlike attitude—for this is the inevitable result of the proceeding?

Whatever may be the consequences, this very discussion, even at this stage, is fraught with incalculable mischief. We shall have communicated anxiety and horror to thousands, and all this that we may exhibit our patriotism. Sir, if the resolutions are pressed I shall vote for them; because, if we are to have war with the greatest power on which the sun ever shone, it is necessary that we should be in a state of complete preparation. When I am satisfied that the necessity of the case demands it, I will not hesitate to make any and every sacrifice. My constituents live, for the most part, on the Atlantic sea-board. What will be their destiny? Sir, we heard last year that Great Britain had one hundred and sixty steam-vessels of war. There is not a river, bay, or creek, but may be perforated by those vessels, in that part of the Southern country.

That region was, in a peculiar manner, perforated by navigable streams, and open to every form of vessels, as well as large intrusion by the instrumentality of steam. Hold up to view the map of the entire south Atlantic sea-board, and it presented to the eye nearly as much water as land—mere strips of country, intersected by streams in all directions pervious to

invasion. The larger cities might be made safe by large military force, under expensive permanent embodiment; but the less considerable towns, the villages, the farms, what would be their condition of exposure? Would any be left exempt? The habitations laid in ashes, the property plundered, and escape of the marauders before any resisting force could be assembled; fears of the proprietors to return and restore their habitations, the succession of the same disasters staring them in the face. These were to be the consequences—this the scene and the history to be exhibited.

All this he was willing, if occasion required, to incur. And what was to be the occasion? We were three thousand miles from Oregon—a slender population, deserting the homes of their fathers, and seven hundred million acres of land, better than they were to find, a dollar and a quarter the price. This was the population which we must follow, with any expense, never to be compensated; and for which, reckless of consequences as well as cost, we were to plunge into war, unprecedented in the injury it must on both sides inflict. Strange doctrine this! that the Government must control a vagrant population, escaping with no request or authority, but be controlled by it, even to the extent of war the most destructive.

It was for this country, in these circumstances, that we were invited to war. Certainly, if any principle of national honor should be found to demand it, this was right. He believed, however, that there was no such principle involved as yet well founded, nor prospect of war. There was no danger unless—what? unless war should be provoked, and made inevitable by language and conduct on the floors of this House and the other House of Congress. He believed in his conscience that if negotiations were left to be carried on between the two Governments, there would be no danger to be apprehended as to the result. He thought the gentlemen on the other side ought, at all events, to be willing to confide in the Executive. He himself, though he had come here oppressed with a leaden load of anxiety, was now thoroughly relieved. He approved of the tone of the Message to Congress, and he was glad to have the opportunity of distinctly expressing his approval of it; and he hoped the Senate and the country would be observant of the fact, that they were content with the language of the Executive, and the only opposition or distrust emanated from the gentlemen on the other side.

Mr. Cass was about to reply to Mr. ARCHER, when a message was received from the House of Representatives, informing the Senate that resolutions of respect had been passed in memory of the late JOSEPH H. PEYTON, of Tennessee, a member of the House.

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On motion of Mr. MANGUM, the subject under discussion was then informally passed over,

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and the Senate proceeded to the consideration of the message just received.

Mr. JARNIGAN. Mr. President: I know I shall perform a duty, in its occasion as unwelcome to the Senate as it is painful to me, in the announcement now made of the death of a colleague, known to most of us, and worthy to have been personally dear to all—the Hon. JOSEPH H. PERRY, a member of the last, and a member elect to the present Congress of the United States from the State of Tennessee. He died at his home, in Sumner county, on the 13th day of November last; and though already arrived at no slight distinction, and ripe for yet higher ones, was scarcely beyond the age at which, in some famous commonwealths, youth was considered just at an end, and the man and the citizen to have barely begun.

I have repeatedly, sir, shared sincerely in these solemn offerings of respect paid by these bodies towards their departed members, by a custom not less befitting their dignity than their feelings. The observance is one of which the deeper uses, when they come, must touch us too closely not to waken up the better thoughts which our conflicts here banish but too much—the personal charities and affections that should adorn public life as they sweeten private. In common with those around me I have often borne a part in these becoming tributes of individual and of public regrets; but it had thus far been my good fortune rather to yield deserved honors to the public servants of other States, than to ask them towards one from my own. If, therefore, there be any art in commemorating the dead, I esteem myself happy in that he, of whom I am now to speak, was such, that even my poor skill can do his memory no dishonor, since it limits me to that panegyric alone which he desired—the simple truth, spoken in the sincerest affection. He needs no higher praise; and that, at least, I am capable of uttering.

Of a generous race, which far back in the history of the State where they first settled, and much more remotely still in that of the mother country, had been distinguished for its gallant and good deeds and its excellent abilities, Mr. PERRY had inherited their high qualities, and brought them to a public service when, young as he was, and brief as was his career, he had already made them strongly felt. No man could be braver, no man sincerer; and the force of his character was completed by an understanding highly vigorous and just, as well as excellently cultivated. Nor were his properties less kindly and gentle in the private affairs of life, than manly and commanding in whatever of difficulty or duty called them up to exertion. Not originally destined for the public part in the honorable outset of which he has fallen, he was led to it by the early and general return which his labors in a different sphere had spread around him, and the assurance of talent as well as worth which they had created. Such had, no doubt, softened into the warmest

and kindest sensibilities a nature originally fiery, and eminently fit for arms and action. The love which he thus spread around him, gave him, with reputation, an unsolicited popularity; and politics sought him out as so many others go in quest of them.

I need scarcely say that here, though little in haste, before he had done more silent and real service, to captivate the public attention in harangue, he had sufficiently shown in speech the vehemence and force of his capacity, and his power to deal most effectually with large topics of public debate; nor in his personal demeanor had he made less felt the native urbanity and rectitude of a spirit as good as it was fervid.

All this, Mr. President, and more, which I might well recite, but that my plain task, which is monumental, not biographic, is over. Almost, as I have said, a youth, except in the fast-formed maturity of his abilities and character, he has paid, amidst the tears of much friendship and love, the inevitable debt. Faults, of course, like the best, he had; but I had scarcely discovered them. I am sure his only ones were of a noble sort—defects springing up out of his virtues. I need seek no further to draw either from that dread abode where they now repose, “the bosom of his father and his God.”

Permit me, Mr. President, to submit to the Senate the following resolutions:

*Resolved*, That the Senate have heard with deep sensibility the message from the House of Representatives, announcing the death of the Hon. JOSEPH H. PERRY, a representative from the State of Tennessee.

*Resolved unanimously*, That the members of the Senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will wear the usual badge of mourning for thirty days.

*Resolved*, That, as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

The Senate thereupon adjourned.

TUESDAY, December 16, 1845.

*National Defence.*

The Senate proceeded to the consideration of the resolutions submitted by Mr. CASS, being the unfinished business of yesterday.

Mr. NILES. These resolutions themselves were upon the table as presenting a mere subject of inquiry or instruction to their own committees; and he presumed that they would have passed as a matter of course, without observation, were they not, from the known state of our foreign relations, and from the debate which sprung up in a desultory manner, so intimately connected with the great question of the day. There could be no harm in adopting those resolutions, independently of their influence on this body. He held, therefore,

mainly, that the sentiments expressed on this subject by his friends were right, but that the question should have come up in some other form; and he candidly admitted that, taken in connection with the debate, these resolutions did present somewhat a war aspect—covering, as they did, the whole ground of our national means of defence, naval and military. When viewed in connection with the debate which followed their presentation, and the disposition, as it appeared to him, on the other side to make the impression that it was a preliminary step to put the country in an attitude of war, and that no other alternative was left, his friends were placed in a position he was not willing to sanction. He should vote for the resolutions, although it was more in conformity with his views that they should not be presented in such a form; but, as they were introduced, he thought a much worse consequence would result from voting against them. As the subject was so connected with our relations with Great Britain, and had been debated, he would take the liberty of looking, for a moment, at the question. He did not, however, propose to go into it at any length.

The question now submitted to them was, What had Congress to do with the controversy in its present state? Was it our province to act? or was it more proper to leave in the hands of the President the negotiation which was in his charge? If he understood the gentleman from North Carolina, (Mr. MANGUM,)—who took occasion, from his position, very properly to profess the utmost confidence in the Executive in this matter, and so much confidence, if he understood the Senator correctly, that he was willing to leave the whole matter with him, and that there was nothing for the Senate to do—it appeared to him the Senator from North Carolina had mistaken the position assumed by the President in the Message. Instead of the matter being with the Executive, and not with them, he understood it as directly the reverse. It was no longer with the Executive, but with them. Great or small, the responsibility was with them, and the greater responsibility devolved on them. The President had made a concession which had been rejected by the British Plenipotentiary, who, without submitting any new proposition, suffered the negotiation, on his part, to drop. The negotiation, therefore, had been brought to a close. He had heard no objection to the course of the Executive in making this concession; although some were of opinion that he had yielded too much. But, having conceded so much, the negotiation was at an end. Could the Executive do more? Did gentlemen wish to make further concessions? He would not do injustice to them by such a supposition. He repeated, the question had passed from the hands of the Executive to them, and they were now called on to act in relation to it. And what ought to be their action? That was the great question for them to consider. The President

himself had recommended certain things to be done in the present aspect of the controversy; and he took the recommendation—not because the President had advised them to do certain things—not wholly for that reason, but because it appeared to him that the state of the controversy required that they should be done. Whether or not we were now pursuing the proper course, it was, in his opinion, now too late to adopt the suggestion made by a distinguished Senator (Mr. CALHOUN) not yet in his seat, to let the matter rest in a condition of “masterly inactivity.” That time had gone by. We are now called on by a new state of circumstances to act. The present aspect of the controversy forces action upon us, and every one must see that the time has come when the question must be settled. Our citizens had gone to settle the country of Oregon, and claimed our protection. Every man must therefore see that the time had come when the question must be settled. Great Britain, as well as the United States, seemed to think that the time had come for the question to be settled. The controversy had been brought to a point—broken off for the present. And now, what was to be done? Should they recede? That they could not do. They must do something, for it had already been ascertained that the Executive could do nothing more; and it remained for Congress to act. But what should they do? It seemed to him that the duty was plain—they must at least assert their rights, and take such action as the position of the controversy with regard to the territory required. In relation to Oregon, the President had recommended that they should hold on to all the right they could, consistently with existing treaties, and that they take steps to disembarass themselves from all entanglements, and then assert our entire rights over the territory. All they could do now, while these treaties exist, was to pursue the course recommended; and that was, to go at least as far as to assert our jurisdiction, as had been done by Great Britain. That Government had extended their laws over their own subjects in the territory, and had virtually annexed it to Canada. Congress were, then, he thought, called on to do the same for our citizens, who were every day going there in large numbers; and they demanded at our hands protection. Could we abandon them? No; they were citizens of the United States, and by removing they did not forfeit their claim to our protection. We must either abandon our claims to that territory, or take measures to protect them. One of these we must do. Congress was called upon to do so, by extending over them our jurisdiction. We can go thus far, and yet avoid any danger of war. The President also recommends another step; to give the notice provided for in the convention, and in this way terminate the joint occupation—yes, the joint occupation. What could have been the object of this joint occupancy beyond that of a mere temporary provision?

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Could it have been supposed that two separate jurisdictions could be sustained in the same country? Certainly not. It must have been a mere temporary provision, for the purpose of preserving peace among those who inhabited the territory. That state of things had gone by. The country had now become, or was rapidly becoming, settled and civilized, and required a different action; we must now necessarily have the exclusive jurisdiction. The President recommends that both parties be restored to their original position. This he was prepared for, but he did not regard it as necessarily leading to a rupture. Not so. He regarded it, on the contrary, as necessary to preserve peace; but he thought it incumbent on us to adopt other measures looking to the possibility of an unfavorable result. It was an old, and had never ceased to be a wise maxim—"In peace prepare for war;" and he wished to see the country put in the best state of defence. Great Britain was always prepared; she had in her possessions in every part of the world an extensive navy and strong armament, and was always in a condition for war; but we were differently situated. If war should be inevitable, however, it would be great folly in us not to prepare for the worst. He viewed these resolutions as preliminary to putting the country in a proper state to meet the exigency of war, if we are required to meet it. And why not? It had been said by the Senator from North Carolina that he wished the matter to be left in the hands of the Executive. It was no longer there. And as war may be the result, we should, with reasonable foresight, prepare for the worst. But, for one, he not only hoped and desired peace, but believed that we should preserve it. He would go further; for himself, he considered the question settled the moment either party renews the proposition of the 49th degree as the boundary line. He believed that this proposition would be renewed, not on our part, but that Great Britain would offer it, when she found she could get no more, and that we were not to be frightened, bullied, or driven. He believed that there would be a peaceful termination of the matter. The President had seen fit to renew a proposition formerly offered, as a basis of compromise, but it had been rejected; and now it was a reasonable course for Congress to take any means to put the country in a state of defence. If the question at issue were settled without war, we would lose nothing, except a few dollars, by our preparations; but if not settled without war, we would be in a condition to defend ourselves, and avert disaster and defeat, and save the valuable lives of our people. The course marked out in the resolutions, then, was so "plain that a wayfaring man, though a fool, need not err therein."

Much had been said about the display of patriotism, and some had intimated that there had been a monopoly of it; but he thought such ideas ought to be excluded from the con-

troversy, especially as Senators on the other side had admitted that every thing consistent with justice and honor had been done by the Executive, and moderation and conciliation were required. He for one, hoped, that on this question they would all act with a degree of unanimity. We wanted no professions of patriotism on this side of the chamber, or the other, but would judge of the patriotism of all by their acts and their votes, and not by their professions. The Senator who introduced these resolutions, (Mr. Cass,) had said that the two parties in England were united. He believed it was no new thing in that country. He believed it had always been so; but however much *they* were united on questions of foreign relations, and questions of territory or foreign possessions, he trusted that we also were one united people; and might we not hope that, on this question, we may exhibit a similar example of union? The Senator from Virginia (Mr. ALEXANDER) was pleased to remark, yesterday, that he thought we could avoid war; if not, if we were to have war, it would result from the proceedings of this chamber. He (Mr. NILES) was at a loss to know the precise views the Senator had of the proceedings which had taken place. Probably he alluded to a spirit—a war spirit—apprehended somewhere; and that the adoption of measures which were called for by the occasion, would furnish provocation of war, and that we should act in a manner so wanting in moderation and respect to Great Britain, that our own measures would necessarily produce war. If this construction was correct, he thought the Senator would find himself mistaken, as far as this branch of Congress was concerned. There was another view of the subject. In whatever spirit measures were adopted they would be sent out to the world more boldly and fearlessly and with more effect, than had been supposed. If any thing they did would have a tendency to produce war, it would be the want of unanimity in the assertion of our rights. If, however, we apprehended war, we should adopt measures to resist, with undivided counsels. If we present a divided front, our great opponent will be led to infer that we enter into the controversy with one-half of the people against us. She would believe, as she did once before, that half the hearts of the people were with her. If any thing, then, could lead to war, it would be the want of harmony among ourselves. If we are divided by party lines, that must have the effect of weakening our efforts. He hoped this would not be the case. He would refrain from any appeal to his honorable friends on the other side, for he was satisfied they understood the duty they owed to their country. Deprecating war, as they did, he hoped they would so act as to ward off the danger. He did not wish to go to war. He would say nothing about the ambition and policy of the nation with which it was to be waged. Whatever might be said on this subject should make no

difference here. We stood on our own rights, and pursued our own course. If dealing with a nation less powerful, ambitious, and grasping, we should insist on our rights; we should not diminish or relinquish our claims any sooner than if we were in negotiation with the most powerful nation on earth. However powerful England is, we were called on to unite and to defend our own land. This was all that was asked—this was what we were capable of doing in this or any other controversy. If war should come—if we are to be engaged in a contest with Great Britain—we are descended from the same stock; the same Anglo-Saxon blood courses through our veins; our arm is not yet enervated by a long possession of wealth, and a long course of luxurious habits; and it may be our lot to make her realize the beautiful figure of the poet—"The arrow which pierced the eagle's heart, was feathered from her own wing." He hoped these resolutions would pass with unanimity. Senators would consider that the resolutions were here; and although the question might more properly come up in some other form, yet, if they rejected them, we would be committed to the world as dividing at the very outset. He hoped gentlemen would consider well before they gave their votes. In conclusion, he would only express the hope that, in all the measures which the emergency might call for, our conduct ought to show that, while we love peace, we fear not war.

Mr. CHITTENDEN, next addressed the Senate. He remarked that, in the resolutions themselves, he perceived nothing objectionable, and he was quite ready to vote for appropriations which might be deemed necessary at any time to place the country in a state of complete defence, and to provide against the possible contingency of a war. The remarks, however, which were made by the honorable Senator from Michigan, the mover of these resolutions, gave to them a peculiar significance, a peculiar degree of consequence and importance, under the circumstances in which they were placed. Those remarks, in fact, according to his understanding, conveyed an assurance, and from a very high authority, too, that war might now be looked upon as almost inevitable; they were, as far as the honorable Senator could make them so, a declaration of war. Remarks of that character were calculated deeply to affect the interests of the people, and seriously to disturb the business of the country. He felt assured, therefore, that the Senator had not made them unadvisedly and without proper deliberation. As for this Government receding from the propositions she had already made, the Senator had said that he mentioned it only for the purpose of denouncing it. Our position, then, was fixed; and, according to the Senator from Michigan, unless Great Britain thought proper to recede, there must be war. The Senator had asked, When did Great Britain ever recede? But more than this: they were informed

that the President, in his Message, had recommended that notice should be given of the termination of joint occupancy; and the Senator had proceeded to say that, if the notice were given, war would be inevitable. They were, indeed, then, according to the authority of the honorable Senator, standing on the very verge of war. And if the whole Senate were of the same opinion, instead of adopting a resolution of inquiry which they were now called on to adopt, they would at once employ themselves in making every effort at preparation, and putting on all their armor without any delay.

Mr. CASS desired to explain. He did not say that war was inevitable, but that if England, at the expiration of the year, persisted in the practical assertion of her claim to the Territory of Oregon, it would lead to a war. He had stated yesterday, and he would repeat it now, that he believed England would persist in that claim.

Sir, (continued Mr. CHITTENDEN,) I do not myself believe—speaking with all due deference for the distinguished Senator—that we are to have a war. I have never been able to realize to my mind that a war could possibly grow up between two such nations as the United States and Great Britain, out of such a cause. Is it possible that we cannot settle the boundary of a distant strip of territory, of no great value either, without a war? Cannot the diplomacy of the country settle a question of this sort, without imbruing the hands of the two nations in blood? What is their wisdom worth—what is their diplomacy worth—if this be the case? Sir, it ought to be settled; it is a discredit to the two Governments that it is not settled. There is no question of insulted honor—no question of national character involved. This is but a question regarding some portion of a distant frozen barren territory, that has been in dispute for thirty or forty years. I have more confidence in the wisdom, humanity, and intelligence of the two Governments than to suppose it possible that from such a cause war can arise. And while I say this, I repeat that I perfectly agree with the sentiments expressed by the Senator from North Carolina, (Mr. MANGUM,) and the Senator from Virginia, (Mr. ARCHER,) yesterday, that if war should come, I believe we shall see the whole Union rally round the national standard, united as a single man. Before the actual occurrence of war, we may battle among ourselves; but when it comes, there is no neutral ground to stand upon. But who is there that desires a war? None, I trust. All say it is to be deprecated and avoided; and I trust that every thing will be done on our part that honor and policy permit to be done to avoid it.

But we are now called upon to give notice of the termination of the joint occupancy; and we are told that, connected with other circumstances, war is to be the consequence of that notice. Will it be so? I think it ought not,



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and will not, unless we commit a very egregious blunder. But if, as the Senator says, we are in the path which leads to war, let us march slowly and firmly upon it. Let us be firm, self-possessed, and slow. We shall not be the less formidable to our enemies while advancing thus, than if we pursue the path as if reckless of all consequences, wheresoever it may lead us. Let us, then, if we are to give the notice—and I think we cannot well avoid it—instead of giving the precise notice indicated, let us give notice to take effect two years hence: it will not the less indicate our firmness and our determination. Let us not act like a spiteful landlord giving notice to a tenant, and limiting our tenant to the shortest possible time; but give time for reflection and negotiation. We ought not to be hasty or careless of giving insult to any people, much less to those whom by character and by lineage we resemble so nearly. The question of settlement of mere matters of interest may be difficult enough; but an insult is much more difficult of settlement between two high-spirited nations. Let us, then, travel on with a firm and steady step, cautiously, boldly, and at the same time manifesting a willingness to secure an amicable adjustment of difficulties in preference to war.

Mr. OASIS. I have not a word to say. If the gentleman will lend me the paper, I will read what I did say. What I said is correctly reported in the Union. Here it is, and I repeat it as I find it here, word for word:

"I take it for granted that we shall give the notice recommended by the President; for, if we do not, we shall leave the people of Oregon without a Government, or with an impracticable one; and, in either event, the country is lost to us, and, the notice being given, in twelve months, without an abandonment of a large portion of her claim, we shall find ourselves involved in a war with England."

This is what I said, and what I now reiterate.

Mr. WEBSTER said, he did not propose to offer any opposition whatever to the passage of the resolutions, though he could not perceive that there was any very great necessity for their adoption. It did not appear to him that they charged the committees with any especial new duty. Inquiry into the matters here suggested was the ordinary duty of the committees, and he did not think there were any extraordinary circumstances existing which rendered it necessary on this occasion to instruct them by a resolution of the Senate, or to stimulate them in the performance of an established duty. Nevertheless, he regretted the introduction of these resolutions, combined as they were with the remarks which the Senator from Michigan had thought proper to address to the Senate, because he agreed with the Senator from Kentucky, that their introduction in that manner appeared to give something to them of significance which would create unnecessary alarm. Every member of the Senate knew, and every man of intelligence knew, that unnecessary

alarm and apprehension about the preservation of the public peace was a great evil. It disturbed the business of the country; it disturbed the calculations of men; it deranged the pursuits of life, and even, to a great extent, changed the circumstances of the whole business of the country. This truth will be felt more especially by every gentleman acquainted or connected with the sea-board. They all knew what an immense amount of property was afloat upon the ocean, carried there by our citizens in the prosecution of their maritime pursuits. They all knew that a rumor of war, or the breath of a rumor of war, would affect the value of that property. They all knew what effect it would have upon insurances. They all knew what immense amounts of property on shore would be affected by the agitation of public opinion upon an intimation of the disturbance of the pacific relations existing between this country and foreign States.

Sir, (said Mr. W.), there are two ways in either of which a Government may proceed—and when I have stated them I think it will be obvious to every one which is the wisest. We may, if we choose, create alarm and apprehension. We may, if we are wiser, cause no unnecessary alarm, but make quiet, thorough, just, politic, statesmanlike provision for the future.

Mr. President, I am entirely of the opinion of the Senator from Kentucky. I have not been able to bring myself to believe that war will grow out of this matter, certainly not immediately; and I think I cannot be mistaken when I say that the recommendations which the Chief Magistrate has made to Congress did not show that he expected war. I think it impossible to mistake the meaning of the President. He does not expect war. Looking at the state of things around us, and at what is stated by the Executive, I cannot believe that he apprehends any danger.

Sir, I abstain cautiously from offering any remark upon that portion of the Message which refers to the negotiation. I abstain with equal care from any remark upon a correspondence which has been published. I do not wish to say whether it does appear from that correspondence that negotiation is so completely and entirely at an end that no amicable disposition of the question may be looked for hereafter from a diplomatic source. It is enough for me, in order to accomplish all the purposes of these few remarks, to say, that, while I am incapable of bringing myself to the belief that the President apprehends any immediate danger of war, I may be allowed to suppose, or to imagine, that he (the President) may entertain an opinion similar to that which has been expressed this morning by the Senator from Connecticut. He may possibly look for propositions to come from the other side, having communicated the ultimatum of this Government. Whether it be in this view or upon other grounds that the expectation is entertained, it is enough for me

to deprecate any false alarm that may arise to disturb the tranquillity of the country.

The President may feel, as I am bound to suppose he does feel, the full weight of the responsibility which attaches to him in relation to every interest of this country, and the greatest of all interests, the peace of the country. I am bound to suppose he understands the position in which he is placed, and that he judges wisely as to the extent to which he should go in submitting propositions to Congress. Therefore, I entirely concur in the opinion which has been expressed, that he cannot regard the present position of affairs as leading to any immediate danger of war.

Acting upon these conclusions, (said Mr. W.,) and entertaining these views, all the regret I feel at the introduction of these resolutions is, as I have said, that, accompanied with the remarks which fell from the honorable Senator when he called them up, they might have a tendency to create unnecessary alarm. He trusted that every member of the community would perceive that it was necessary to suppress all alarm; and, as far as he was concerned, if gentlemen thought that the time had come for enlarging the defences of the country, for augmenting the army and the navy, he was ready to co-operate with them.

Mr. W. concluded by expressing the hope that, while they did every thing that was necessary for the preservation of the honor and the interests of the country, they would abstain from creating any unnecessary alarm in the public mind.

Mr. BERRIEN said he understood the resolutions introduced by the Senator from Michigan, as formal resolutions to maintain national rights; and desired, before the debate closed, to say a few words in relation to them. He agreed with Senators who had preceded him in the debate, that the resolutions, considered in themselves, were particularly harmless—an inoffensive exercise of a right which belonged to every Government. More than that, they were in themselves wise and proper; for, at all times, it was the right and duty of a nation to make these inquiries. If, therefore, it had pleased the Senator from Michigan to have presented them to the Senate unaccompanied with any remarks on presenting them before this body, he (Mr. B.) should have had no hesitation in voting in favor of their adoption; and would have cheerfully acquiesced in them. If the subject had not been pressed, out of order, before any of the standing committees had been appointed—but for this irregularity of proceeding, the resolutions would have been entitled to be deliberately weighed; and if the Senator from Michigan had believed and said they were so important as to require adoption, he (Mr. B.) would have acquiesced. But, in presenting them, he had brought the Senate at once to the whole existing and unhappy relations between the two countries—the United States and Great Britain. In presenting them, too, he (the Sen-

ator from Michigan) had called the attention of Senators to the remarks made six months ago in the British Parliament by a leading member of that House, in relation to the state of their foreign relations—which remarks were uttered in reference to the President's Inaugural; and the Senator requested them to consider these opinions as indicative of the feeling of Great Britain upon the whole question. The honorable Senator was, therefore, aware of the importance that would be attached to him, and to any thing that might fall from him on the subject, distinguished as he was, not only as a diplomatist, but as a legislator in the Senate, and as a soldier in the field; so that, in as far as the resolutions were to be considered, he might as well have had his remarks incorporated with them. He might have begun with a distinct allusion to Great Britain. He might have incorporated it in the resolutions by way of preamble, and then asked their adoption; and this course would have left no room for doubt, none for conjecture as to his motives. He told them that they were mere resolutions of inquiry; but the honorable gentleman, by his introductory remarks, gave them a fixedness, by applying them to Great Britain distinctly, and left no room to doubt as to his motive; and if his views be correct, he had no desire to disturb our peaceful relations, but simply to provide for the security of the country. He (Mr. B.) fully concurred with the Senator from Michigan in his views and anxiety not to disturb the peace of the country; and the question then arose, was it desirable, where it was simply a question as to the expediency of adopting such resolutions, to have introduced them in the manner in which they had been presented by the Senator from Michigan. He (Mr. B.) presumed that it was not necessary to qualify ourselves for entering into the discussion by professions of patriotism. Presenting the resolutions in the manner in which they had been done by the Senator from Michigan, was not only irregular, but it was a departure from the established usage of the Senate, and not called for by the exigencies of the case, or from any peculiar aspect of their foreign relations. He thought these considerations should have had weight with the Senator from Michigan. There was yet another aspect of the case. The Constitution of the United States required that the President should give them information, from time to time, on all matters of public moment, and particularly on the subject of their foreign relations. In accordance with this provision, the President had done this, and brought before them in detail the whole question as to their foreign policy. He had also given his views very fully, and recommended the measures which he thought desirable, and while the whole of the Message remained on their table, and before it was taken up for consideration, the Senator from Michigan called upon them to take an important step in relation to the most important of all the subject-

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National Defence.

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matter contained in the Message. He would ask honorable Senators, was this the usage? or was it an entire departure from the prescribed forms of the Senate? The rules in that chamber were adopted by those who preceded them; it was wise, on their part, to adhere to them, as they had been ratified by experience. What was our attitude? We have the Message of the Executive, which has not yet been referred to any committee—no committees are yet organized—yet we proceed to discuss at large the most important of the topics contained in the Message. He submitted to honorable Senators if it would not have been more staid and prudent, under these circumstances, to have delayed this discussion.

There was yet another aspect in which he wished to view the question; and that was, that the Senator from Michigan should also have considered the state of the pending negotiation on this subject between them and Great Britain. He (Mr. B.) did not hesitate to declare, from the very face of the correspondence, that the negotiation was not at an end. He based his opinion on the language, if true, which was contained in the first protocol in the negotiation between the parties. The negotiation was a negotiation that was entered into in the spirit of compromise; and, he would ask, What was compromise? What did it mean? What did it admit? What did it exclude? Compromise admitted that each had rights; but it excluded the exclusive claim of either. They commenced, then, the negotiation with the concession that Great Britain had rights in the territory. They admitted this when they entertained the proposition of settlement as to boundary. The demarcation of boundary was for territory mutually claimed; the proposition was rejected; and it was then withdrawn by the American negotiator. The simple act of withdrawal would have embarrassed the negotiation. But this was not a simple withdrawal, for the American Secretary said he was directed by the President to express a hope that there would be no interruption to the peace and harmony existing between the two countries. He (Mr. B.) would ask, then, was this a termination of the negotiation? and was it the appropriate time, when the negotiation was in this delicate position, to interfere with it in this manner, and assert an exclusive right to the whole of this territory? He recollected, with much pleasure, the opinions expressed upon that floor heretofore by an honorable Senator, when the question of occupation of Oregon was before them for consideration, as to the propriety of providing grants of land to establish a chain of posts. He recollected with great pleasure the opinions expressed by a distinguished Senator from South Carolina, not now in his seat, but who had lately been again called out from his retirement by his admiring constituency. He (Mr. B.) could have wished that the course suggested by that honorable Senator in relation to the subject-matter in debate had

been pursued; but he feared the time was gone by when they could avail themselves of these valuable suggestions. He feared that Great Britain, admonished by the action of the two Houses of our national legislature, would consider it time to bring this matter to a conclusion. But whenever Great Britain should move in a hostile manner upon this continent, all diversity of opinion between them would cease, and we shall be found as one, without any party distinctions. The President had recommended certain measures in his Message, and expressed his opinion fully upon them. On one of these he (Mr. B.) desired to make a brief remark. Besides the passage of the enactment which the President suggests, he also recommended the giving of the twelve months' notice to Great Britain of the termination of the occupancy of Oregon, and that notice will probably be given. Upon this subject, he would say that he would have preferred that the notice should originate with Great Britain; because it would place them in a more favorable attitude before the nations of the earth. He would have preferred it, too, because it would have placed us in a better position before the world, and would have had the effect of immediately uniting our own people. He believed that the notice would have been given by Great Britain for the obvious reason that the subject-matter in controversy concerned Great Britain more than ourselves. Their territory is coterminous: our people are settling it with great rapidity; emigration was going on there to a considerable extent, and increasing every year. This would greatly embarrass Great Britain, and give her a deeper interest in bringing the negotiation to a favorable issue; and he would therefore prefer that she would give the notice, unless there was some reasonable object to be gained. He desired, however, representing a portion of the Union who feel a double interest in this question, to say, that in the exercise of the utmost power of imagination, he did not see how either of these two civilized and Christian nations could go to war upon such a pretext as was here contemplated. The Senator (Mr. SEVIER) told them that it was for seven degrees of latitude. God of mercy! what was to be placed in the other scale? But was it a contest about seven degrees? In the true reading, it was but a contest for the navigation of the Columbia River, and to its north-eastern branch. Was this a subject upon which two nations so intimately connected as Great Britain and the United States—having so many relations binding them to each other in mutual regard—was this a question upon which two such nations should draw the sword? We have a principle to maintain—not to allow a foreign power to navigate a river running through our territory; and Great Britain had a principle to maintain—not to cut herself off from the navigation. Shall we allow a foreign power to navigate a river through our territory? Shall we, by this course of ours, obtain any

object? Is the Columbia River navigable to the 49th degree of latitude? He had never heard it so asserted. Yet for this mere phantom of a claim these great nations were to go to war. He did not believe it—the Senate did not believe it—and the country did not believe it. Unless these two great nations were moved to it—perhaps by the press, or by these exciting debates, he did not see how the subject-matter in controversy could possibly drive them to war. By the intemperance of language used in the Houses of Parliament and the Congress of the United States, the people may perhaps be so excited and influenced that war may depend on the turning of a hair. But he who shall be instrumental in plunging these two great nations in war for such an object, may gain an immortality; but it will be an immortality such as belongs to the character of Eratostratus.

Mr. BREWER said he had merely risen for the purpose of correcting an error into which the Senator from Georgia (Mr. BERRICK) had fallen, and which had been adopted by the Senator from Delaware, (Mr. CLAYTON,) who had just taken his seat. They both seemed to think, and so argued, that the only matter in dispute between this country and Great Britain was the free navigation of the Columbia River, and that that matter was not worthy of contest. Mr. B. did not so understand the question; the correspondence upon this subject showed clearly that questions of far greater importance than the mere navigation of a river were involved in the present issue. As he (Mr. B.) understood it, the proposition by Great Britain was made by Stratford Canning to Mr. Rush, our minister in London, to extend the parallel of 49° to that north-eastern branch of the Columbia, called McGillivray's River, to its junction with the main stream, and thence down the middle of the channel of that river to the ocean, the navigation of the river being in common between the two nations.

This, as he understood it, was the last British proposition. What did Lord John Russell say upon this subject in the British Parliament, no longer ago than last April? Did he not say that no more favorable proposition than this could be submitted by his Government? This, then, places all the country north of 46° 18', the mouth of the Columbia River, following the coast, in controversy; and if the joint occupancy is terminated, the whole territory even down to 42° is in dispute. This proposition, if accepted, gives up the whole country to Great Britain, and the best part of it, even if the parallel of 49° should be accepted; for in the region north of that parallel are all the best harbors, timber, and soil, and with a most delightful and salubrious climate.

The territory in question is not the narrow, worthless country, that some gentlemen seem to suppose it to be. It is not a barren desert, but a great and beautiful country, far superior in natural advantages to the Atlantic slope;

and if it had been the fortune of our forefathers, the Pilgrims in the little "Mayflower," to have landed their frail bark on that coast, instead of upon the bleak and desolate shore of the Atlantic, the human imagination can scarcely conceive the height of grandeur, wealth, and power, to which it would now have attained, possessing, as it does, in a degree so much superior, all the elements of human happiness, and every attribute essential to the prosperity of man.

In conclusion, Mr. B. said he rose simply for the purpose of correcting the error of the gentlemen from Georgia and Delaware. When our policy in regard to Oregon should come properly before the Senate for discussion, he would endeavor to show the advantages, to us and to our race, of the whole of that territory; and for his part he would not give, by compromise or otherwise, any portion of it to Great Britain. With his consent, that power should never have a position on that coast.

Mr. JARNAGIN called for the yeas and nays; which were ordered.

The question was then taken, and resulted as follows:

YEAS.—Messrs. Allen, Archer, Ashley, Atchison, Atherton, Bagby, Barrow, Benton, Berrien, Breese, Cameron, Cass, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Corwin, Crittenden, Davis, Dayton, Dickinson, Dix, Fairfield, Greene, Hannegan, Haywood, Huntington, Jarnagin, Jemess, Johnson of Louisiana, Levy, Lewis, Mangum, Miller, Niles, Pearce, Pennybacker, Phelps, Semple, Sevier, Simmons, Speight, Sturgeon, Turney, Upham, Webster, Westcott, and Woodbridge.

NAYS.—None.

The Senate then adjourned..

#### HOUSE OF REPRESENTATIVES.

TUESDAY, December 16.

#### Admission of Texas.

The SPEAKER announced that the business first in order would be the joint resolution heretofore reported by Mr. DOUGLAS, from the Committee on the Territories, for the admission of the State of Texas into the Union.

Mr. McCONNELL rose, and demanded two things:

First, the reading of the resolution; second, the previous question.

And the resolution was read, as follows:

#### Joint Resolution for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a "joint resolution," approved March the 1st, 1845, did consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of Government to be adopted by the people of said republic by deputies in convention assembled, with the consent of the existing Government, in order that the same might be admitted as one of the States of the Union; which consent of Congress

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was given upon certain conditions specified in the first and second sections of said joint resolution: And whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing Government, did adopt a constitution, and erect a new State, with a republican form of Government, and in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution: And whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.*

*Be it further resolved, That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two representatives.*

Mr. RATHBUN rose to inquire where this joint resolution was; and whether it had been referred to any committee?

The SPEAKER explained that the resolution had not been referred to any committee. It had been reported from the Committee on the Territories, and had been made the special order for this day. It now came up on the question of engrossment, and on that question the gentleman from Alabama (Mr. McCONNELL) had demanded the previous question. But the gentleman from New York (Mr. HERRICK) had moved that the resolution be laid on the table, and that was the pending question.

Mr. RATHBUN. I move that the resolution be referred to the Committee of the Whole on the state of the Union.

The SPEAKER said the motion was not now in order.

The question, "Shall this joint resolution be laid on the table?" was then taken.

The result of the vote was then announced—yeas 52, nays 142.

So the House determined that the resolution should not be laid on the table.

The SPEAKER now announced that the question before the House was on the engrossment of the joint resolution for the admission of the State of Texas into the Union. And on that question the previous question had been demanded. The question, therefore, was, "Will the House second the demand for the previous question?"

There was a second to the demand for the previous question.

Mr. SCHENCK asked the yeas and nays on ordering the main question; which were ordered and taken.

And the vote was then announced—yeas 108, nays 90.

So the House decided that the main question should now be taken: (which main question was on ordering the bill to a third reading.)

And the Clerk being about to call the roll—

Mr. WASHINGTON HUNT rose and asked to be excused from voting; and he said he would make a brief verbal statement of his reasons.

It was conceded that this was one of the most important and momentous measures that had ever been presented to the American Congress since the foundation of the Government. It was a measure involving mighty interests, leading to vast results, and which would affect the future destiny of this nation to an extent beyond the power of imagination to conceive. On such a measure he was now required to vote without an opportunity having been allowed for one word of debate or to examine the constitution which had been submitted in behalf of this new territory. He denounced the proceeding as a violation of that freedom of discussion and debate which was the right of an American freeman.

Mr. DROMGOOLE and Mr. C. J. INGERSOLL rose, and severally called Mr. HUNT to order.

The SPEAKER (recognizing Mr. DROMGOOLE.) The gentleman will state his point of order.

Mr. DROMGOOLE. The gentleman had asked to be excused from voting. He commences with a dissertation on the magnitude of the measure, and then proceeds to a denunciation of it. Is that a reason, such as is contemplated by the rule, why the gentleman should be excused from voting?

Mr. HUNT. If the House will allow me but a moment, I will state specifically the reasons why I wish to be excused. I have no desire to take advantage of the courtesy of the House. I submit that no member is bound to vote on so grave a question as this without having had an opportunity to express his opinions, and to offer such amendments as he deems due to his constituents and the country. And in refusing to vote, I am persuaded that I shall be sustained, not only by my constituents, but by the country.

Mr. WENTWORTH. I move that the gentleman be excused.

And Mr. HUNT was excused from voting.

The main question was then taken, and decided as follows:

YEAS.—Messrs. Stephen Adams, Anderson, Atkinson, Baker, Barringer, Bayly, Bedinger, Biggs, James Black, Jas. A. Black, Bowlin, Boyd, Brinkerhoff, Brodhead, Milton Brown, Wm. G. Brown, Burt, Cabell, J. H. Campbell, Cathcart, Augustus A. Chapman, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Cocke, Colin, Constable, Crozier, Cullom, Cummins, Cunningham, Daniel, Jefferson Davis, De Mott, Dillingham, Dobbin, Dockery, Douglas, Dromgoole, Dunlap, Ellsworth, Erdman, Faran, Fleklin, Foster, Fries, Garvin, Gentry, Giles, Goodyear, Gordon, Graham, Grider, Grover, Hamlin, Haralson, Henley, Hilliard, Hoge, Hopkins,

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Hough, George S. Houston, E. W. Hubbard, Hungerford, James B. Hunt, Hunter, Charles J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Thomas B. King, Lawrence, Leake, Leib, Ligon, Lumpkin, Maclay, McClean, McClelland, McClelland, McConnell, McCrate, McDowell, McHenry, McKay, John P. Martin, Barclay Martin, Morris, Morse, Moulton, Niven, Norris, Owen, Parish, Payne, Pendleton, Perrill, Perry, Pettit, Price, Rathbun, Reid, Relfe, Ritter, Roberts, Russell, Sawtelle, Seddon, A. D. Sims, L. H. Simms, Simpson, Thomas Smith, Robert Smith, Stanton, Stephens, St. John, Strong, Sykes, Thibodeaux, Thomason, James Thompson, Jacob Thompson, Thurman, Tibbatts, Toombs, Treadway, Trumbo, Wentworth, Wick, Williams, Wilmet, Woodward, Woodworth, Yancey, Yell, and Young—141.

YAY.—Messrs. Abbott, John Quincy Adams, Arnold, Ashmun, Blanchard, Buffington, W. W. Campbell, John G. Chapman, Collamer, Cranston, Culver, Darragh, Delano, Dixon, Ewing, Foot, Giddings, Grinnell, Hampton, Harper, Herrick, Elias B. Holmes, John W. Houston, Samuel D. Hubbard, Hudson, Washington Hunt, Joseph R. Ingersoll, Daniel P. King, Preston King, Lewis, Levin, McGaughey, Melvaine, Marsh, Miller, Pollock, Ramsey, Julius Rockwell, John A. Rockwell, Root, Runk, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Caleb B. Smith, Stewart, Strohm, Benjamin Thompson, Tilden, Vance, Vinton, Wheaton, White, Winthrop, Wood, and Woodruff—57.

So the joint resolution was ordered to a third reading at this time.

And having been read a third time by its title; and the question being, "Shall this joint resolution pass?"

Mr. JULIUS ROCKWELL (from among a host of competitors) obtained the floor, and inquired whether this question was debatable?

The SPEAKER. It is.

Mr. ROCKWELL thereupon addressed the House. He said he rose for the purpose of opposing the further passage of these resolutions; and he took the present opportunity to give some of the reasons which governed him in that opposition, because he had no other opportunity, and there was every reason to believe that this was the only moment which would be afforded him.

Mr. R. said he should put his opposition to these resolutions on no narrow ground. He was not new opposed, nor should he ever be opposed, to the extension of the jurisdiction of the United States, and all our admirable institutions, over any extent of territory which rightly belonged to us; nor was he opposed to the assertion of our rights to territory where those rights existed. His opposition, and the opposition of his State, was not at all in that spirit, and he trusted never would be. The sentiment of the people of Massachusetts was in favor of extending our territorial limits and legal jurisdiction quite to the shores of the Pacific Ocean, but within such limits to the north or the south as justly pertained to us. He had no doubt that when the proper time

came, the people of his State would be found to be no laggards in such a cause. Indeed, it was the genius of the sons of Massachusetts which had already secured great masses of territory to the jurisdiction of the United States Government. She had had under this Government two Secretaries of State, both of whom had set forth her claims in a manner worthy of them, of her, and of the country at large. This was the work of a quarter of a century: it had been powerfully aided by an eminent son of Massachusetts near him, his aged and venerable colleague, (Mr. ADAMS.) His head and his genius had been in it. God bless him! And might the ear which had heard the roar of the guns at Bunker Hill yet be permitted to listen to the solemn breaking of the Pacific surges on the extreme boundary of his native land! And might the eye which had looked upon the smouldering ruins of Charleston yet behold the national stripes and stars floating in acknowledged and peaceful jurisdiction over the whole wide extent of her territory!

But the question now before us was one of a very different character: it regarded the acquisition of a foreign State. This was a matter which could not be done as had been proposed at the last Congress; it was the acquisition of a foreign territory; and the annexation of a foreign State. There had, indeed, been certain proceedings in Texas which brought the question again before Congress, but all must well recollect the strenuous effort and the stringent arguments put forth at the last Congress against the constitutionality of such a proceeding. It had at that time been earnestly maintained that such acquisition and annexation could not be accomplished as was proposed—by a joint resolution of the two Houses, to receive the assent of Texas, and then to be finally consummated here. It had at that time been contended that the National Union of our States was in the nature of a copartnership, and that the admission of a foreign State as a new partner into the firm, required the assent of all the States, and of all the people of the States now constituting the Confederacy. It was insisted that the very lowest form in which the object could be accomplished, if at all, was by the exercise of the treaty-making power, and that all other modes of attempting it were in palpable opposition to the constitution. In addition to all which, it was still further maintained that such were the relations of Mexico and Texas, that it was indispensable, according to the laws of nations, that Mexico should become a party to such a transaction. Some of these reasons and arguments remained in full force to this day. As to the last of them, that in relation to Mexico, Mr. R. should say nothing, inasmuch as the House had been apprised by the President, in his Executive Message, that a distinguished citizen had been deputed to Mexico as a commissioner, with full powers to arrange all difficulty between that Government and our own. And Mr. R. was willing to do nothing

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which might by possibility embarrass the negotiations of his country with any foreign power. But as to the questions whether the annexation of Texas could be made by an exercise of the treaty power, or by consent of the States and of the people of this Union, they were questions still open before this country and the world. It had been held by the Administration which immediately preceded that now in power, that the very lowest mode by which the annexation could be effected was by the exercise of the treaty-making power; and under this persuasion a treaty had been actually entered into and submitted to the Senate for ratification, but subsequently rejected by that body. Then it was that the new mode of accomplishing it by the adoption of a joint resolution had been first proposed, and the discovery had been made that there existed under the constitution an additional power in the two Houses, which enabled them to agree to the annexation of a foreign State to the Union.

Now, Mr. R. insisted that when the treaty submitted by President Tyler to the Senate had been rejected, there was an end to all constitutional proceedings to accomplish that object, and he held that all which had been done subsequently was without any constitutional warrant. What had in fact been done? A joint resolution of the two Houses had been passed giving the consent of Congress to the formation by Texas of a State, which might at a certain time and under certain conditions apply for admission as a State into this Union. The consent of Congress was thus given, and on the basis of that consent the whole subsequent operation was to proceed. News was carried to Texas that such a consent had been given, and on that mere consent, and nothing more, the President made an overture to Texas, apprising her that she might, on the conditions stated, make her application. Consent, and consent only, was the extent of the joint resolution: "Congress doth consent," &c. And again: "The foregoing consent having been given," &c. Now the question arose, whether the Constitution of the United States empowered and authorized Congress to give such a consent? That question was before the world; it was before Texas, and before all nations; and everybody in and out of Texas knew that great and strenuous objection was made in Congress to giving such consent, and the constitutional power to do so steadfastly denied. The announcement of this consent went to Texas, and Texas acted on it. She took the chances that that consent might be changed in its conditions, or wholly withdrawn by the action of a future Congress; for by the very terms of the resolution the transaction was recognized as a thing not perfected, but which was to be acted on by the then coming Congress, which Congress was now in session. [Mr. R. here quoted the resolution of last Congress.]

To that final action this Congress was now

invoked: it was to review, to confirm, or to reject the edict of a former Congress. What was the Democratic doctrine in such a case? What had been the doctrine of the fathers of the constitution? That the joint resolution of one Congress might be repealed by another; that the resolutions of the 28th Congress might be rescinded by the 29th, just as all other laws and acts of that body might be. If, then, the 28th Congress agreed to receive Texas in that mode, they received it subject to repeal and reconsideration by the present Congress, and an amendment was made and additional conditions subsequently added, so that the prerogative of the treaty-making power might, in some degree, be carried out by the Legislature.

Mr. R. said that he knew, indeed, it might be urged that the people of the United States had already in some sense passed upon this question; but it could not with truth be said that they had done so in the election of members of the last Congress, because nobody who elected those members had any such question in view, unless, indeed, in the occasional elections which had subsequently been held to fill vacant seats.

The question had not been passed upon by the people when that Congress was chosen, nor had it been passed upon in the late Presidential election. Everybody knew the conflict of warring elements which had resulted in the late election, and facts demonstrably prove that a majority of the people of the United States had given their votes against those electors who had chosen our present Chief Magistrate. For these obvious reasons the election could not be considered as any ratification or approval of the scheme of annexation, or as conferring on Congress, by a popular act, the authority to admit Texas into the Union. Mr. R. said he should not go into the circumstances of that election, for it was very far from his purpose to excite a tumult of party feeling in this House. It should be his endeavor to treat the subject in conformity with the rules of the House, and with that decorum which became a representative of the people on that floor.

Mr. R. had stated, when he rose, that he had had no opportunity of examining the details of the constitution which had been agreed upon by the people of Texas and submitted by the Executive to that House; but there were some features in it which stood out in such bold relief that there was no possibility of mistaking them. There were words in that constitution which were wholly unknown to the Constitution of the United States. There was one article of it which began with a title estranged to the language of that instrument, "slaves." Was that word in the Constitution of the United States? There were several provisions in the first, second, and third sections of the Texas constitution which merited especial notice.

Amidst all the heat and dust which the Texas question had raised in our community, and amidst all the misrepresentations and intrigues

and violent efforts to which it had given occasion, there stood out one honest feature on the part of our own Government in conducting this affair. An eminent statesman of South Carolina, who had filled the office of Secretary of State, as well as his predecessor in that office, had unveiled the true motive in the whole proceeding. That motive had been admitted by the late lamented Upshur, and there it stood to this day, as the historical account of the true ground why the acquisition of Texas had been so vehemently desired. And the same thing had been still more distinctly stated by his successor from South Carolina. And when not only this Congress, but this Administration, should long have passed away, and this transaction should come to be examined into by an impartial posterity, it would be found that the leading reason avowed by the American Secretary of State to the Minister of Great Britain, in the face of both countries and of the world, in a diplomatic note dated the 27th of April, 1844, was declared to be to preserve a certain domestic institution under the requisite guaranties. There would remain forever the historical reason given by our own Government for the annexation of Texas to this Union. It was then and there honestly presented, without disguise. Now, Massachusetts dissented from the measure on that very ground: she objected to the annexation because that had been the purpose in urging it, and was likely to prove its actual effect.

The question now presented was, whether, in that progress of our constitution and political system over the entire American continent, which Mr. R. considered as certain as any future event among human things, there should be coupled with it, in the very first step of that progress, the justification and guaranty of domestic slavery. This was a question which Mr. R. proposed to discuss without reserve, but with a perfect regard to decorum, and in a manner to which he hoped no one could take exception.

He considered the country as now standing on the verge and first commencement of a policy which was hereafter to govern our councils, and to become emphatically the American policy, and which was to connect the territories of this entire continent into one consolidated body, and constitute them the United States of North America. Sooner or later, fairly or unfairly, he believed that such would be our destiny. The process was now begun. We were now about to add a vast territory to our national jurisdiction. It was said to be one of the fairest regions of the habitable earth—fertile in soil, mild and genial in climate, and rich and various in all the productions of nature. And the question came up whether we should extend and guarantee to such a region the institution of domestic slavery.

Admit that all the proceedings for the admission of Texas had been perfectly right and constitutional; admit that no objection had ever

been made to them; and admit still further, that the people of the United States were held and sacredly bound by the proposition which had been made to the people of Texas,—still it would not follow that we were bound to recognize slavery in that rich and beautiful territory which now asked to be admitted as a sister State into this Union. Mr. R. need not say that, in the resolution passed at the last Congress, through so many struggles and contests and agonies, no such condition was understood to exist. Assuredly, none of those who had with so much reluctance given their assent to that resolution understood it to mean any such thing. What was the letter of that joint resolution? In the first place, it prescribed the due adjustment of boundary, and in the third paragraph of the second section it declared that new States, not more than four, in addition to the State of Texas, might be formed out of her present territory, and, when so formed, should be entitled to admission into the United States; and that, with regard to such of these as should be constituted south of the line of  $36^{\circ} 30'$ , they might be admitted with or without the institution of slavery, just as the people of such States should desire; but that in all States north of that line slavery should be forever prohibited. Now, what was it that the State of Texas, in the constitution she submitted, asked of the United States? Was it that one of four States constituted out of her territory should be admitted? Or that one of the States south of the line of  $36^{\circ} 30'$  should be admitted? No; it was that a State should be admitted which extended on both sides of that line, and yet whose Legislature should forever be prohibited from emancipating a slave. Was this in conformity with the joint resolution of last year? Obviously not. Had the provision in respect to the line commonly known as the Missouri compromise line, been at all complied with, or in the least regarded? Far from it. Throughout the whole State, whether lying north or south of that line, slavery was constitutionally admitted to exist, and its perpetuation guaranteed. So far from allowing even a choice on the subject only to the States lying south of the line, slavery was established by the constitution throughout, and the very letter of that instrument which gentlemen were driving through this House with such intemperate haste, was in direct and open conflict with the stipulations of the very resolution on which the admission of Texas was contended for.

Mr. R. had a right to take any exceptions which appeared to him proper to this constitution of Texas, and he objected to that feature as a reason why it should not be received. It was not his purpose to speak in reference to any particular class of States in this Union, nor to cast any reflections upon the people of any portion of his own beloved country; but he would appeal to all men to say whether the fairest portions of the earth in which the institution of domestic slavery was found, had



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come up to that degree of prosperity and social happiness which God, by his abundant gifts, manifestly intended them to attain? Let gentlemen take the whole territory of the world—let them search the records of every civilized nation—and they must admit that, wherever a place was found for domestic slavery, there was a place for evil. On the contrary, where it was shut out, there was found the highest state of civilized man; there was the greatest amount of labor, and labor's richest reward, and there the greatest opportunities and the freest play were afforded to moral principles and all right views. There were regions of the earth where this incubus had long existed: could they once be divested of so great a social evil, their property would soon double and quadruple itself, and all the resources of public and of private happiness would be augmented in a still greater proportion. This the people of Massachusetts confidently believed; and when they were asked to admit Texas into the Union, they never could consent to do it but under a protest against the perpetuation of slavery as an evil, destructive to the best interests of our race. They never could consent to see it extended universally over the soil of North America, and they therefore must resist the first step in such a process. Mr. R. was not going to say any thing against the Southern States of this Union. There slavery had been inherited: it was their own affair; theirs to manage and control as they best might. But in this resolution gentlemen asked of him to vote directly to establish slavery in a territory which but a little time since was a land of freedom: they asked him to expel this fair and fertile region from the area of freedom, and place it in the area of slavery; and, not only so, but forever to deprive its Legislature of all power to alter, in this respect, its future condition.

Mr. R. said he was aware that any objections coming from his quarter of the country were exposed to the danger of being viewed in a different light from those which might be urged from elsewhere; and a member had favored the House by reading an advertisement published in 1741, in a newspaper published in Boston, in regard to the sale of certain slaves there. Mr. R. was happy that the gentleman had done so, because it afforded him an opportunity to vindicate the character of his State, which had never, since the era of the adoption of our constitution, had upon her garments this foul stain. He would refer that gentleman, or any other who felt an interest on the subject, to one of the most authentic historical works now extant, on the subject of colonial slavery in Massachusetts. [He here quoted from Graham's Colonial History of the United States, in which it was stated that while there had been fourteen thousand slaves in Georgia and six thousand in South Carolina, there were very few in all New England. That, under the ad-

ministrations of Governor Barnard and Governor Hutchinson, bills had been introduced in the Massachusetts Legislature prohibiting the toleration of slavery in the Commonwealth, but they had been vetoed by British Governors.] Thus, acts which had been landed to the skies when done in Pennsylvania, had been passed over without notice or praise when done in the old colony of Massachusetts Bay. Here, at last, the history of colonial slavery in Massachusetts had been put upon its right foundation. In 1773, the action of four successive Assemblies in that State had received the executive veto of a British ruler. This was a little while before the same thing had been done by the Quakers in Pennsylvania; and if in this Massachusetts had been somewhat beforehand with them, he hoped they would now make up for it by aiding her heartily on this occasion. Here gentlemen could see what had been the sentiment of Massachusetts on this matter of slavery from the oldest times. She had made every practicable effort to rid herself of this institution, and they could now see how all her efforts had been foiled. She now found herself, though cast on one of the most arid and naked soils upon this continent, able to go forward, to sustain her people not only, but to send forth from her bosom thousands and tens of thousands who had subdued and cultivated the fertile regions of the West, and who were ready to do so still. He would like to have gentlemen, who seemed fond of using high-sounding words in debating this and kindred questions, who talked so eloquently about "ocean-bound Republics," to let us know what means we possessed and what measures we must pursue in order to carry out the grand conceptions they were so fond of indulging.

A railroad had been projected to extend from the Mississippi River across the continent to the mouth of the Columbia. When that magnificent project should be realized, it would doubtless be accompanied by Morse's magnetic wires, by which thought could be transmitted in a moment from one ocean's border to the other. When measures like these should be taken in hand, measures corresponding with the vigor of her own great ideas, they would find the capital, the spirit, and the genius of Massachusetts, with the country; aye, and in advance of the country whenever the extension of our jurisdiction should be put upon the right footing. And she observed with satisfaction, from the combined action of those who had crossed the Rocky Mountains, and were establishing themselves in the distant regions beyond, that they frowned on the admission of slavery among them, and prohibited its existence on that unpolluted soil to the utmost extent of their ability. Could such a prohibition but be extended to other portions of our territory where the climate and the soil were of a more genial character, how soon would the obstacles which now kept back the population

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and improvement of some of the fairest portions of our national inheritance cease, and forever come to an end.

Mr. R. knew full well that speaking on this subject could be of no possible advantage, so far as that House was immediately concerned; but it had been required of him, from sources to which he must ever bow with deference, to press opposition to this measure; and in doing so he did but comply with the dictates of his own heart. Many of his own constituents regarded the extension of domestic slavery as a great national sin, an offence against that God without whose favor no nation could ever become permanently prosperous or happy. They viewed it as directly opposed to the dictates of divine truth, and they held that, if they did not resist it to the utmost of their power, they would expose themselves to incur a portion of that divine displeasure and chastisement which ever attended national transgressions. They desired to be heard in this House this day; and therefore it was that Mr. R. had sought the floor as the organ of their will.

This Texas slavery question was a new question, now for the first time presented to the consciences of men. As one called to represent, in part, the people of his own ancient Commonwealth, he must enter his solemn protest against the extension of slavery, as an evil directed against the truest interests of his country; as militating directly against its prosperity and freedom, and darkening that national character which she ought to hold up to all nations and ages of the world; as being in opposition to the constitution which had preserved us hitherto in concord; as against the principles of the fathers of the Republic, who lived themselves in slaveholding States, who would have saved us, if they could, from so great an evil, and who openly confessed that they trembled for their country when they remembered that God is just.

The question, therefore, being, "Shall this joint resolution pass?"

Mr. SCHENCK asked for the yeas and nays, which were ordered.

The question was taken on the adoption of the joint resolution; and decided in the affirmative, as follows:

YEAS.—Messrs. Stephen Adams, Anderson, Atkinson, Baker, Barringer, Bayly, Bedinger, Biggs, Jas. Black, Jas. A. Black, Bowlin, Boyd, Brinkerhoff, Brodhead, Milton Brown, Wm. G. Brown, Bart, Cabell, J. H. Campbell, Cathcart, Augustus A. Chapman, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Cooke, Colin, Constable, Crozier, Cullom, Cummins, Cunningham, Daniel, Jefferson Davis, De Mott, Dillingham, Dobbin, Dockery, Douglas, Dromgoole, Dunlap, Ellsworth, Erdman, Faran, Ficklin, Foster, Fries, Garvin, Gentry, Giles, Goodyear, Gordon, Graham, Grider, Grover, Hamlin, Haralson, Henley, Hillard, Hoge, Hopkins, Hough, George S. Houston, E. W. Hubbard, Hungerford, Jas. B. Hunt, Hunter, Charles J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones,

Thomas B. King, Lawrence Leake, Leith, Ligon, Lumpkin, Macay, McClean, McClelland, McClelland, McConnell, McCrate, McDowell, McHenry, McKay, John P. Martin, Barclay Martin, Morris, Morse, Moulton, Niven, Norris, Owen, Parish, Payne, Pendleton, Perrill, Perry, Pettit, Price, Rathbun, Reid, Relfe, Ritter, Roberts, Russell, Sawtelle, Seddon, A. D. Sims, L. H. Simms, Simpson, Thos. Smith, Rob't Smith, Stanton, Stephens, St. John, Strong, Sykes, Thibodeaux, Thomasson, James Thompson, Jacob Thompson, Thurman, Tibbatts, Toomba, Treadway, Trumbo, Wentworth, Williams, Wick, Wilnot, Woodward, Woodworth, Yancey, Yell, and Young—141.

NAYS.—Messrs. Abbott, John Q. Adams, Arnold, Ashmun, Blanchard, Buffington, W. W. Campbell, John G. Chapman, Collamer, Cranston, Calver, Darragh, Delano, Dixon, Ewing, Foot, Giddings, Grinnell, Hampton, Harper, Herriek, Elias B. Holmes, John W. Houston, Samuel D. Hubbard, Hudson, Washington Hunt, Joseph R. Ingersoll, Daniel P. King, Preston King, Lewis, Levin, McGaughey, Melvaine, Marsh, Miller, Pollock, Ramsey, Julius Rockwell, John A. Rockwell, Root, Runk, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Caleb B. Smith, Stewart, Strohm, Benjamin Thompson, Tilden, Vance, Vinton, Wheaton, White, Winthrop, Wood, and Woodruff—56.

So the joint resolution was adopted.  
And the House adjourned.

#### IN SENATE.

WEDNESDAY, December 17.

#### Election of a Printer.

The Senate proceeded to ballot for a printer to the Senate; and the result was as follows:

Whole number of votes given in . . .	49
Necessary to an election . . . . .	25
Messrs. Ritchie & Heiss received . . .	27
Mr. Ritchie . . . . .	1
Messrs. Gales & Seaton . . . . .	20
Messrs. Jefferson & Co. . . . .	1

Messrs. Ritchie & Heiss having received a majority of all the votes given, were therefore duly elected printers to the Senate for the Twenty-ninth Congress.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 17.

#### Naturalisation Laws.

The SPEAKER announced that the reception and the consideration of petitions, memorials, remonstrances, and State resolutions, was the regular order of business; and

The House proceeded to the consideration of the resolutions of the State of Massachusetts, presented by Mr. WINTHROP, on the 15th inst., in favor of an amendment of the naturalization laws.

The resolutions were read by the Clerk, and are as follows:

Whereas the purity of the ballot box is indispensable for the security of the rights and the free

[See Speech.]

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and full expression of the will of the people; and whereas experience has clearly demonstrated that the naturalization laws of the United States are loose and defective, affording opportunities for the perpetration of gross frauds, destructive alike to the rights and morals of our citizens and the stability of our institutions:

*Resolved*, That the rights, interests, and morals of the people demand an immediate and thorough revision of the naturalization laws; and we regard it as the imperative duty of Congress so to amend those laws, that, while a liberal and just policy shall be adopted towards such foreigners as are or may come among us, the rights and privileges of our countrymen shall be kept inviolate, and the ballot-box permanently guarded against every improper influence.

*Resolved*, That our Senators and Representatives in Congress are hereby especially requested to use their utmost exertions forthwith to procure such amendments in the naturalization laws as shall carry out and perpetuate, as far as possible, the principles indicated in the foregoing resolve.

*Resolved*, That his Excellency the Governor be requested to transmit a copy of these resolves to each of our Senators and Representatives in Congress.

When these resolutions were presented, Mr. LEVIN moved that they be referred to a Select Committee. A motion was also made on the same day, by Mr. BRODHEAD, that they be referred to the Committee on the Judiciary.

The SPEAKER said the question would be on the reference to the Committee on the Judiciary, which takes precedence of the motion to refer to a Select Committee.

Mr. LEVIN said that the question before the House was a naked question of reference, and that in the few remarks he proposed to make he should confine himself to the question, without enlarging upon the subject which he desired to bring in proper form to the full consideration of the House, and which a Select Committee would alone enable him to accomplish.

That the Committee on the Judiciary are adverse to the object contemplated no one will venture to deny, and I here boldly announce the fact. On what ground, then, can the House refuse its reference to a Select Committee? It can scarcely be that the House is afraid to agitate this question before the country, lest it should make friends with the people. The subject itself is one that grasps the safety of the nation. It involves the character as well as the duration of this Republic. It is a question that must sooner or later be met. The eyes of the whole nation are turned on this House for some action on the subject of our naturalization laws. Not only will your refusal of a Select Committee be unparliamentary, but it will smother of persecution towards a cause that now embraces in its ranks more than two hundred thousand voters, and will speedily number more than a million. Public opinion demands for this great question the most unbounded liberality. It is a question so compact, so much of a unit, that opinions against it cannot apply

to any part without applying to the whole. If the Committee on the Judiciary are adverse to the agitation of this question, I maintain that it is not treating so important a matter with becoming consideration to move its reference in that quarter, in order that it may be put to a nurse more anxious to strangle than to rear it. So far is this principle of preservation carried in the rules of this House, that a member hostile to a bill has a right to be excused from sitting on such committee, the evident intention being that every subject shall be brought into full, free, and unrestrained discussion on this floor, instead of being made away with in a dark corner. All that we ask is, not to smother the report, but give it a fair chance of living till it encounters the open warfare of its enemies on this floor, and can parry the blows that its opponents aim against it. "Daylight and a fair field" are all that Native Americans ask, and a smaller act of justice could not be granted them by an American Congress.

Various lights are apt to break in on the most obvious proposition, when under discussion on this floor, that a committee room, occupied only by its enemies, never could elicit. Once put to nurse in the arms of its foes, would it not sleep forever? A committee composed of friends and foes, or impartial observers, will do it justice, and bring it in proper form to the full consideration of the House. I need scarcely add, that it is not in the power of Congress to evade this question. A prompt and candid reception of it, therefore, will do the House more credit with the country than a reluctant willingness to entertain it, or any resort to artifice to put it to sleep. Giants never slumber by rocking or singing. The people love this "monster," as it has been called, of their own begetting; and they expect their representatives here to treat it with all the consideration due to a descendant of George Washington. We desire to carry out his creed and his principles. As Native Americans, we have been reviled and misrepresented; and we now ask to place before the nation, in the form of a report, our true object, our end and aim. We ask it in behalf of the American people—we ask it in behalf of our children, for whose benefit we hold in trust the great estate of freedom. Grant us, as Americans, this small privilege, and then let us meet our opponents, Antæus like, face to face on this floor, unaided by any other power but that of truth and the God of truth.

Mr. RATHBUN said he was for gratifying the desire of the few here who acted with the gentleman from Pennsylvania, and who seemed to think that they had made some great and unheard-of discovery in reference to the naturalization laws. Let them have the nursing of this new and original thought of theirs, and present it when sufficiently grown to the action of the House. If the bantling possessed any peculiar and striking beauties, let the whole House and the whole country see them all. Let them

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show, if they were able, that the course of this country heretofore on the subject of naturalization had been all wrong, and that the foreigner who sought refuge among us ought not to be suffered to vote until the infant born upon the day when he set his foot upon our shores was of age to vote at his side. In compliance with his promise, Mr. R. renewed the call for the previous question.

After an extended debate, the House adjourned without a decision.

## IN SENATE.

THURSDAY, December 18.

*Joint Occupancy of Oregon.*

Mr. ALLEN, pursuant to notice, presented the following joint resolution:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, advised to give, forthwith, notice to Great Britain that the Government of the United States will, in virtue of the second article of the convention of the sixth of August, A. D. eighteen hundred and twenty-seven, between the United States and Great Britain, terminate the convention existing relative to the joint occupancy of the Oregon Territory; and after the expiration of twelve months from the day on which such notice shall have been received by the Government of Great Britain, annul and abrogate that convention.*

MONDAY, December 22.

*Admission of Texas.*

Mr. ASHLEY, from the Committee on the Judiciary, reported the joint resolution from the House of Representatives for the admission of Texas into the Union, without amendment, with a recommendation of its passage.

Mr. ASHLEY said he was further instructed to move that the Senate proceed to the immediate consideration of the resolution.

The motion having been agreed to,

The Senate proceeded, as in Committee of the Whole, to the consideration of the resolution; and no amendment having been offered, the resolution was reported to the Senate without amendment.

The question being on the third reading of the resolution—

Mr. WEBSTER rose and addressed the Senate as follows: I am quite aware, Mr. President, that this resolution will pass. It has passed the other House of Congress by a large majority, and it is quite well known that there is a decided majority in this House also in favor of its passage. There are members of this body, sir, who opposed the measures which came before Congress at its last session for the annexation of Texas, who, nevertheless, will very probably feel themselves now, in consequence of the resolutions of last session, and in consequence

of the proceedings of Texas upon those resolutions, bound to vote for her admission into the Union. I do not intend, Mr. President, to argue either of the questions which were discussed here at the last session of Congress, and which have been so much discussed throughout the country within the last three years. Mr. President, there is no citizen of this country who was more kindly disposed towards the people of Texas than myself, from the time they achieved, in so very extraordinary a manner, their independence from the Mexican Government. I have shown, I hope, in another place, and shall show in all situations, and under all circumstances, a just and proper regard for the people of that country; but, with respect to its annexation to this Union, it is well known that, from the first announcement of any such idea, I have felt it my duty steadily, uniformly, and zealously to oppose it. I have expressed opinions and urged arguments against it everywhere, and on all occasions on which the subject came under consideration. I could not now, if I were to go over the whole topic again, adduce any new views or support old views as far as I am aware, by any new arguments or illustrations. My efforts have been constant and unwearied; but, like those of others, they have failed of success. I will, therefore, sir, in very few words, acting under the unanimous resolution and instructions of both branches of the Legislature of Massachusetts, as well as in conformity to my own settled judgment and full conviction, recapitulate before the Senate and before the community the objections, which have prevailed, and must always prevail, with me against this measure of annexation. In the first place, I have, on the deepest reflection, long ago come to the conclusion, that it was of very dangerous tendency and doubtful consequences to enlarge the boundaries of this Government, or the territories over which our laws are now established. There must be some limit to the extent of our territory, if we would make our institutions permanent. And in this permanency lives the great subject of all my political efforts, the paramount object of my political regard. The Government is very likely to be endangered, in my opinion, by a further enlargement of its already vast territorial surface.

In the next place, I have always wished that this country should exhibit to the nations of the earth the example of a great, rich, and powerful Republic, which is not possessed by a spirit of aggrandizement. It is an example, I think, due from us to the world, in favor of the character of republican government.

In the next place, sir, I have to say, that while I hold, with as much integrity, I trust, and faithfulness, as any citizen of this country, to all the original arrangements and compromises in which the constitution under which we now live was adopted, I never could, and never can, persuade myself to be in favor of the admission of other States into the Union as slave

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States, with the inequalities which were allowed and accorded to the slaveholding States then in existence by the constitution. I do not think that the free States ever expected, or could expect, that they would be called on to admit further slave States having the advantages, the unequal advantages, arising to them from the mode of apportioning representation under the existing constitution.

Sir, I have never made an effort, and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangements as originally made, by which the various States came into the Union; but I cannot avoid considering it quite a different question, when a proposition is made to admit new States, and that they be allowed to come in with the same advantages and inequalities which existed in regard to the old. It may be said that, according to the provisions of the constitution, new States are to be admitted upon the same footing as the old States. It may be so; but it does not follow at all from that provision that every territory or portion of country may at pleasure establish slavery, and then say we will become a portion of the Union, and will bring with us the principles which we have thus adopted, and must be received on the same footing as the old States. It will always be a question whether the other States have not a right (and I think they have the clearest right) to require that the State coming into the Union should come in upon an equality; and if the existence of slavery be an impediment to coming in on an equality, then the State proposing to come in should be required to remove that inequality by abolishing slavery, or take the alternative of being excluded. Now, I do suppose that I should be very safe in saying that if a proposition were made to introduce from the North or the North-west territories into this Union, under circumstances which would give them an equivalent to that enjoyed by slave States—advantage and inequality, that is to say, over the South, such as this admission gives to the South over the North—I take it for granted that there is not a gentleman in this body from a slaveholding State that would listen for one moment to such a proposition. I therefore put my opposition, as well as on other grounds, on the political ground that it deranges the balance of the constitution and creates inequality and unjust advantages against the North, and in favor of the slaveholding country of the South. I repeat, that if a proposition were now made for annexations from the North, and that proposition contained such a preference—such a manifest inequality as that now before us, no one could hope that any gentleman from the Southern States would hearken to it for a moment.

It is not a subject that I mean to discuss at large. I am quite aware that there are in this chamber gentlemen representing free States, gentlemen from the North and East, who have

manifested a disposition to add Texas to the Union as a slave State, with the common inequality belonging to slave States. This is a matter for their own discretion and judgment, and responsibility; they are in no way responsible to me for the exercise of the duties assigned them here; but I must say that I cannot but think that the time will come when they will very much doubt both the propriety and the justice of the present proceeding. I cannot but think that the time will come when all will be convinced that there is no reason, political or moral, for increasing the circle of the States, increasing, at the same time, the obvious inequality which does exist in the representation of the people in Congress, by extending slavery and slave representation.

On looking at the proposition further, I find that it imposes restraints upon the Legislature of the State, as to the manner in which it shall proceed (in case of a desire to proceed at all) in order to the abolition of slavery. I have perused that part of the constitution of Texas, and, if I understand it, the Legislature is restrained from abolishing slavery at any time, except on two conditions: one, the consent of every master; and the other, the payment of compensation. Now, I think that a constitution thus formed does tie up the hands of the Legislature, effectually, against any movement under any state of circumstances, with a view to abolish slavery; because, if any thing is to be done, it must be done within the State by general law, and such a thing as the consent of every master cannot be obtained; though I do not say that there may not be an inherent power in the people of Texas to alter the constitution, if they should be inclined to relieve themselves hereafter from the restraint under which they labor. But I speak of the constitution now presented to us.

Mr. President, I was not in the councils of the United States at the last session of Congress, and of course I had no opportunity to take part in the debates upon this question; nor have I before been called upon to discharge a public trust in regard to it. I certainly did, as a private citizen, entertain a strong feeling that if Texas were to be brought into the Union at all, she was to be brought in by diplomatic arrangement, sanctioned by treaty; but it has been decided otherwise by both Houses of Congress: and, whatever my own opinions may be, I know that many who coincided with me feel themselves, nevertheless, bound by the decision of all branches of the Government. My own opinion and judgment have not been at all shaken by any thing I have heard. And now, not having been a member of the Government, and having of course taken no official part in the measure, and as it has now come to be completed, I have believed that I should but discharge my own duty and fulfil the expectations of those who placed me here, by giving this expression of their most decided, unequivocal, and entirely unanimous dissent and

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protest; and stating, as I have now stated, the reasons which have impelled me to withhold my vote.

I agree with the unanimous opinion of the Legislature of Massachusetts; I agree with the great mass of her people; I re-affirm what I have said and written in the last eight years, at various times, against this annexation. I here record my own dissent and opposition; and I here express and place on record, also, the dissent and protest of the State of Massachusetts.

Mr. SEVIER moved that when the question is taken, it be taken by yeas and nays.

Mr. BERRIEN then addressed the Senate as follows:

Mr. President: Before the vote is taken, I desire to make a few remarks in relation to this subject. When the joint resolution, on which the Senate acted at the last session was under consideration, I expressed my opinions upon the question of the annexation of Texas to this Union, both as it related to the measure itself, and to the mode by which it was to be accomplished. While this subject was open and unencumbered by previous legislation, these were questions upon which each member of this body had not only the right, but was under the obligation to exercise his own conscientious judgment.

With reference to the mode by which it was proposed to accomplish the measure, my judgment led me to the conviction, very clearly entertained, that it was not authorized by the Constitution of the United States. This conviction I stated to the Senate, and presented in some detail the grounds on which it rested. It was the pleasure of the Senate and of the other branch of the National Legislature to pass the resolution by the requisite majority, and it received the approbation of the President of the United States. It is presented to us now, therefore, as a law of the United States—as a law passed in the mode prescribed by the constitution, and by those who, under that instrument, are intrusted with the power of legislation. Whatever, then, may have been the opinion which I entertained as to the constitutional power of Congress over this subject, in the mode in which that power was exercised, and however unchanged that opinion may be; yet, as I am now called on to act under a resolution which, according to the provisions of the constitution, is the existing law of the land, I do not feel myself at liberty to set up my private judgment, either as an individual or as a legislator, against a measure which has in this mode received the sanction provided for by the constitution.

On the question of expediency I have but a brief remark to make. I said at the last session, what I am now prepared to realize, that on a subject of mere expediency the wishes of my constituents are my wishes, and, when ascertained, shall be the rule of my conduct. On this subject I believe there can be no question,

that while a portion of the people of Georgia were opposed to the annexation of Texas by a joint resolution, on the ground of a want of constitutional power, and many of them because of its inexpediency, yet there was another portion who were decided advocates of the measure. My present impression is, that those who were originally opposed—believing, as I do, that the faith of the United States is pledged by an act which has received the sanction of all the branches of the Government—are anxious that this question, which has so much agitated the public councils and disturbed the public mind, should be put at rest, and, consequently, they too desire that this resolution should now be passed.

I am then in this position. There is before me an act of this Legislature pledging the faith of the United States to the people of Texas that, on their compliance with certain conditions specified in the resolution presented to them, they shall be admitted as a State of this Union. Whatever considerations may be opposed to my acquiescence in this measure, whatever differences of opinion may be entertained, they seem to me to be overruled by the fact that the public faith of this Government has been pledged to that people by those to whom the constitution has intrusted the power of legislation.

One other remark. It is perfectly competent to the Senator from Massachusetts to discuss the question of the annexation of a State where slavery prevails, and to urge his objection to the measure as one calculated to disturb the political balance contemplated by the constitution between the several States of this Union; but, apart from the consideration that I do not anticipate such a result, it cannot be expected from me, representing, as I do, one of those States where this institution prevails, that I should be influenced by those objections which are urged by that Senator.

I will repeat. The pledge of this Government has been given, and it must be redeemed. The only question, therefore, is, whether the people of Texas have complied with the conditions specified in the joint resolution? Now, sir, I have given a somewhat attentive consideration to the constitution which they have adopted, and am of opinion that these conditions have been complied with. I see nothing in the provisions of that constitution on the subject of slavery which ought to prohibit the consummation of the measure as promised in the resolutions of the last Congress. Much to which the Senator from Massachusetts refers, the inhibition to the Legislature, except on certain conditions, to pass laws of emancipation, it seems to me is somewhat beyond the province of Congress to entertain. It is perfectly open, as I have before said, to any Senator to question the propriety of the admission of Texas, on the ground of its tendency to disturb the political balances between the States, contemplated by the constitution; but the question

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of emancipation, when, how, and under what circumstances to be allowed, it would appear to me should be left with her own Legislature, as a subject for domestic regulation, belonging exclusively to the State, and with which the Congress of the United States has no authority, either directly or indirectly, to interfere. These are my views, and under the conviction to which they lead me I shall give my vote.

Mr. NILES then addressed the Senate. He did not view the subject in any sectional or party aspect. He regarded it in its broad and comprehensive character—not as affecting a party—not as affecting any particular interests—nor as affecting the balance of power, favorably or unfavorably—but as affecting the general welfare of the Republic, and the great cause of human liberty. It was, indeed, a great national question; it was one, in his humble opinion, most intimately connected with, and likely to affect, at some distant day, the perpetuity and progress of the Republic. In his own State it was viewed by many in that broad light. It was not, then, a mere party question. Many of those politically opposed to him were in favor of the measure. Nor was it a measure unfavorably affecting his constituency. On the contrary, if any sections of the country were to be peculiarly benefited by the measure, those interests located on the eastern shores would be specially benefited. The interests of the manufacturing and commercial classes would be materially promoted by it. Still he had entertained very serious objections to the form of the resolutions; and he, and a few who thought with him, had endeavored to give to the resolutions a more acceptable form. In his opinion, it was right and just, it was wise and sound policy in the admission of new States, to carry out a spirit of mutual compromise to the furthest possible extent. That was the true basis of representation in Congress. The Government had been organized in that spirit. And now the peculiar circumstances and condition of the country required, on the part of all, sagacious statesmanship, and a rigid adherence to that just and salutary principle. He was actuated by these views when he introduced, last session, his resolutions providing that the admission of Texas should be under certain restrictions looking to this end. He had believed that a territorial line should be drawn separating the free portion of the country from that in which slavery should be permitted. This he had thought was but just to the free States of this Union. He had been disposed to go still further, for the purpose of uniting public opinion throughout the country. His efforts, however, had been unsuccessful. Texas had been admitted by the resolution from the House as a slave State. Having done all he could to prevent this, he had now no alternative but to vote for or against the resolution. He had determined to vote in the affirmative. He did not regret the passage of the resolution, although he did regret that the

mode by which the object had been accomplished had not been as acceptable as he had desired. He then proceeded to meet the objection raised in some quarters, to the effect that an extension of the territorial limits of the Republic was not desirable. He had no apprehension on that score; on the contrary, he had seen with pleasure and pride the extension of the boundaries of the country. The principle of territorial extension was one that lay at the very foundation of the Government.

When the confederacy was first formed, the wise men who were at the head of affairs did not contemplate that this Union was to be limited to its then boundaries. They looked forward to an enlargement of those boundaries. They made provision for the introduction of new States into the Union. From that day to the present it had been the policy of the Government to extend our territorial possessions; yet never had the national councils been strongly influenced by a grasping spirit of aggrandizement. Whatever might have been said on the other side of the Senate on that point, there has been nothing in the history of the action of the United States Government to justify the accusation that we have been actuated by a feverish anxiety to possess more territory. But, as occasions had been offered, as opportunities had presented themselves of extending our territorial limits by the acquisition of additional possessions, we had not hesitated to use and embrace them. That had been, thus far, the policy of the Government; and he hoped it might continue to be so. He had found no evil, but many advantages, arising from the pursuance of such a course of policy. It had been in consequence of such a policy that the United States at that moment presented on the map of the world such an imposing aspect in point of territorial possession and internal resources. Was there any danger to be apprehended from such a policy? Was there any thing in it that threatened the stability of the Union? He thought he might say no. It had been quite evident that, instead of being weakened or impaired, the Union had been strengthened by its enlargement. The structure and nature of the Government were happily such that the more extensive were the territorial limits of the nation the stronger did the Union become. If imperfection exists in any one section, the smaller that section is in comparison with the whole, the less obviously is the danger of any mischief—the less the danger of general disturbance. He did not propose to dwell long on the subject; but there was one argument in favor of the annexation of Texas which had had great weight on his mind, and which, in his judgment, had not received perhaps that general attention which its value deserved. It was this: the danger likely to arise from the existence on our borders of an independent State with institutions similar to ours; with the same language; with the same general principles of freedom; with the same religion; with the

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same civilization, and settled by our own citizens. Such a State might form the nucleus of serious opposition, if it were not incorporated into our confederacy so as to form a part of ourselves. Entertaining these views, and believing there was no danger to be apprehended from any extension of our territories—but that, on the contrary, the security of the country would certainly be promoted by embracing within its limits new States and territories, peopled by our own citizens, he did not hesitate to vote for the resolutions. In this course it was his conviction that he was securing the interests of the country and of his constituents.

After remarks by Messrs. HUNTINGTON and BAGBY,

The call for the yeas and nays being agreed to, the question was taken, and decided as follows:

YEAS.—Messrs. Allen, Archer, Ashley, Atchison, Atherton, Bagby, Barrow, Benton, Berrien, Breese, Calhoun, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Haywood, Jenness, Johnson of Louisiana, Levy, Lewis, Mangum, Niles, Pennybacker, Sevier, Speight, Sturgeon, Turney, and Westcott—31.

NAYS.—Messrs. Thomas Clayton, John M. Clayton, Corwin, Davis, Dayton, Evans, Greene, Huntington, Miller, Phelps, Simmons, Upham, Webster, and Woodbridge—14.

So the joint resolution was passed.

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, December 22.

##### *Election of Chaplain.*

The SPEAKER said that, according to an order adopted by the House on Friday last, the first subject in the regular order of business was the choice of Chaplain.

The Rev. Mr. MILBUENE having received a majority of the whole number of votes given in on the third ballot, was declared duly elected Chaplain to Congress on the part of the House of Representatives for the present session.

#### IN SENATE.

TUESDAY, December 23.

##### *Election of Chaplain.*

On motion of Mr. BAGBY, the Senate proceeded to the election of a Chaplain.

Mr. LEVY made some remarks on the propriety of electing the Rev. Mr. Tuston, stating that Mr. Matthews was withdrawn; when

Mr. MANEUM and Mr. BENTON called the Senator to order, on the ground that it was not the practice in the Senate to make nominations.

The Senate then proceeded to ballot; and the result was declared as follows:

Whole number of votes 40; necessary to a choice 21.

Rev. Septimus Tuston	-	-	-	28
" Mr. Matthews	-	-	-	8
" Mr. Sprole	-	-	-	5
" Mr. Gurley	-	-	-	4

So the Rev. S. TUSTON is elected Chaplain of the Senate.

SATURDAY, December 27.

Mr. HANNEGAN presented the credentials of the Hon. JESSE D. BRIGHT, elected a Senator of the United States from the State of Indiana for the term of six years, commencing 4th of March, 1845; which having been read,

Mr. BRIGHT took the customary oath and took his seat.

TUESDAY, December 30.

Oregon.

Mr. HANNEGAN called up the following resolutions submitted by him yesterday:

1. *Resolved*, That the country included within the parallels of 42° and 54° 40' north latitude, and extending from the Rocky Mountains to the Pacific Ocean, known as the Territory of Oregon, is the property, and part and parcel of the territories of the United States.

2. *Resolved*, That there exists no power in this Government to transfer its soil and the allegiance of its citizens to the dominion, authority, control, and subjection of any foreign power, prince, state, or sovereignty.

3. *Resolved*, That the abandonment or surrender of any portion of the Territory of Oregon would be an abandonment of the honor, character, and the best interests of the American people.

The motion having been agreed to, and the resolutions being under consideration,

Mr. HANNEGAN stated that his object in calling up the resolutions was merely to request of the Senate that a day should be fixed for their consideration. He would name Monday next, or Monday week, and wished that they might be made the special order for such day as might be agreed on. The Senate was now thin, and he had no desire to press them at present.

Mr. ARCHER suggested that these resolutions were of great importance; and, as they required much deliberation, it would be better to prolong the time in order to afford the Senate and the country opportunity to consider them. He hoped the Senator from Indiana would agree to postpone their consideration to a later period, not earlier than the end of January, and to have them printed.

Mr. HANNEGAN was willing to make them the special order for the third Monday in January; and, accordingly, he made this motion; but withdrew it at the request of

Mr. CALHOUN, who stated that, without any design to oppose the motion he was desirous



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to make a few remarks preliminary to offering certain resolutions which he had prepared, and which he proposed to submit as an amendment to the resolutions of the Senator from Indiana. Although he could not consent to give his support to the resolutions now under consideration, he was glad that they had been brought forward. Whatever objections might be urged against them, they were at least direct, open, and manly in their character. They denied in direct terms the authority of this Government to make a treaty by which any portion of the territory lying between latitudes 42° and 54° 40' should be transferred to any foreign power; and denounced, as he understood them, by implication, the proposition which had already been made by the President of the United States to settle the existing difficulty by adopting the parallel of the 49th degree of latitude. If, therefore, it shall appear that a majority of the Senate sustain these resolutions, it will be clear that the question can only be settled by force of arms; and that no peace, should war be commenced between the two countries, can ever be obtained, but by our dictation at the cannon's mouth. The vote on these resolutions, therefore, will draw a broad line, which cannot be misunderstood, between those members of the Senate who desire to settle the question by a resort to arms, and those who are disposed to continue the pacific course of negotiation.

He was for a pacific course of procedure, for an adjustment of the question, if possible, by negotiation; and, with these views and impressions, he had prepared a set of resolutions directly opposite in their character to those of the Senator from Indiana, which he desired to submit, with a request that they should be printed as an amendment to those resolutions. He would take this occasion to state what would be his course: he was for peace, so long as peace can be preserved without a surrender of our national honor; for continued negotiation so long as there may be a possibility of an adjustment by negotiation; and, if after every effort to preserve peace between the two countries shall have been exhausted, war must ensue, he desired that we should occupy a position in which the *onus* of a war would be thrown from our shoulders and be cast upon Great Britain.

He desired to express his approval of the course of the Administration in making, under all the circumstances, an offer to adopt the 49th degree as a boundary line. It was his sincere wish to continue to co-operate with the Executive. The Executive desires peace, and it was his (Mr. C.'s) wish to preserve peace so long as it can be honorably preserved. Whenever it shall be found that no effort which we can, consistently with the honor and interests of the country, interpose, will avert the evil, and that war must come, he would never be found in a position antagonist to that which every honorable man must occupy. Even al-

though the war should be the result of our own improper course, still when it shall appear that it cannot be averted, he would stand by his country. But if war should come, it will be no common war. While he would give every support to his country, he would hold those responsible by whose rashness it had been provoked.

Whenever these propositions came up for discussion, he hoped that they would be discussed in a becoming spirit, and in the calmest manner; and if, when its true grounds are clearly seen and understood, we come to the conclusion that we can avoid war, that we shall, by our course, invite a continuance of our peaceful relations; while, on the other hand, should we decide that a rupture of those peaceful relations is unavoidable, that we shall make wise and prompt preparation, and enter into the contest with the united vigor and energy most likely to ensure a successful issue.

He would conclude by offering the following resolutions, as an amendment to the resolutions of the Senator from Indiana:

Strike out all after the word "Resolved," and insert—

That the President of the United States has the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur.

*Resolved*, That the power of making treaties embraces that of settling and fixing boundaries between the territories and possessions of the United States and those of other powers, in cases of conflicting claims between them in reference to the same.

*Resolved*, That however clear their claims may be in their opinion to the country included within the parallels of 42° and 54° 40' north latitude, and extending from the Rocky Mountains to the Pacific Ocean, known as the Territory of Oregon, there now exists, and have long existed, conflicting claims to the possession of the same between them and Great Britain, the adjustment of which has been frequently the subject of negotiation between the respective Governments.

*Resolved, therefore*, That the President of the United States has rightfully the power under the constitution, by and with the advice and consent of the Senate, provided that two-thirds of the members present concur, to adjust by treaty the claims of the two countries to the said territory, by fixing a boundary between their respective possessions.

*Resolved*, That the President of the United States, in renewing the offer in the spirit of peace and compromise, to establish the 49th degree of north latitude as a line between the possessions of the two countries, to the said territory, did not "abandon the honor, the character, or the best interests of the American people," or exceed the power vested in him by the constitution to make treaties.

Mr. HANNEGAN said that the first two propositions of the Senator from South Carolina would not, he presumed, be contested by any one. All that is stated in the first two resolutions was correct. He, for one, would certainly make no objection to them. The residue

of these resolutions, however, presented matter for serious consideration, at least with him, for they came in conflict with the principles which he, in his resolutions, had laid down. He wished, at present, to make a few remarks in reply to the distinguished Senator from South Carolina. The Senator said the resolutions which he (Mr. H.) had introduced, by implication, at any rate, conveyed censure on the President of the United States. Sir, (said Mr. H.,) I had no intention to cast a censure on the President.

Mr. CALHOUN explained. He did not accuse the Senator of censuring the President. He had merely said that, by implication, they cast a censure on the President, because he was willing to surrender a portion of the Territory of Oregon; but stated that such would be the effect of the resolutions.

Mr. HANNIBAN resumed: He so understood the Senator. But the Senator would not deny that the whole aspect of the question had been changed since the proposition of the President, by the peremptory, and almost contemptuous, refusal of the British Minister. If it were not so, he was a freeman, as well as the President of the United States; and although he had ever been his political friend, and ever expected to be so, yet, if the President on any occasion or occasions assumed a position which he could not endorse, he had the right, and would maintain it—as well here as at home—to express his sentiments, without intending, desiring, or wishing to convey any censure. He represented the same people that the President did, and, as such representative, he had a right to express his views on all questions pertaining to the Government. He repeated, that he meant to convey no censure on the President. The Senator said that the resolutions were plain and direct, coming at once to the point, and that the adoption of them, if he understood them, would necessarily involve us in a war. Now, if the adoption of the resolutions, which contained the immutable principles of truth, should bring war on us, let war come! What American was there who, through fear of war, would hesitate to declare the truth in this Chamber? He, also, was for peace; he shrunk back from the thought of war as much as could the Senator from South Carolina. He loved peace; but if it were only to be maintained on degrading and dishonorable terms, war, even of extermination, would be far preferable. The Senator said, that if war once was commenced, peace could only be made by our dictation at the cannon's mouth. He (Mr. H.) proclaimed, if war with Great Britain should arise, for the possession of Oregon, he, for one, wished never to see it settled by arbitration, until we arbitrate it ourselves, and at the cannon's mouth dictated the terms of peace. The Senator said, or implied, that by the course we are pursuing, or by the course which he (Mr. H.) pursued, we are to be plunged rashly into war. If it was rashness in the representatives of the peo-

ple to assert the rights of the country, and this rashness should produce war, for which they who supported these resolutions should be held responsible, he, for one, did not fear the responsibility. There had been a singular course pursued on this Oregon question, and with reference to which he must detain the Senate a moment, it contrasted so strangely, so wonderfully, with a precisely similar question—the annexation of Texas. Texas and Oregon were born the same instant, nursed and cradled in the same cradle—the Baltimore Convention—and they were at the same instant adopted by the democracy throughout the land. There was not a moment's hesitation, until Texas was admitted; but the moment she was admitted, the peculiar friends of Texas turned, and were doing all they could to strangle Oregon! But the country were not blind, or deaf. The people see, they comprehend, and he trusted they would speak. It was a most singular state of things. We were told that we must be careful not to involve ourselves in a war with England on a question of disputed boundary. There was a question of disputed boundary between us and Mexico; but did we hear, from the same quarter, any warnings against a collision with Mexico, when we were about to consummate the annexation of Texas? We were told by those who knew something of those matters, that the Nueces was the proper boundary of Texas! And how did they find the friends of Texas moving on that occasion? Did we, for a single instant, halt on the banks of the Nueces? No: at a single bound we crossed the Nueces, and the blasts of our trumpets, and the prancing of our war-horses, were heard on the banks of the Rio Del Norte, one hundred miles beyond. Nearly one hundred miles of disputed territory gives no cause for a moment's hesitation! There was no negotiation then, so far as Mexico was concerned: we took all. But when Oregon is brought into question, we are called on, as an act proper and right, to give away a whole empire on the Pacific, if England desire it. He never would consent to a surrender of any portion of the country north of 49°, nor one foot, by treaty or otherwise, under 54° 40'.

Mr. CALHOUN said he merely rose to allude to a single remark which applied to himself personally. The Senator from Indiana had endeavored to draw a contrast between his (Mr. C.'s) course upon the Texas question, and his course upon this. The views which governed me (said Mr. C.) upon that question, govern me also upon this. I pursued in reference to Texas what I conceived to be the best course. If I acted boldly and promptly on that occasion, it was because boldness and promptness were necessary to success. It was the golden opportunity; and one year's delay would have lost Texas to us forever. If I am for more deliberate measures on this occasion, it is not because I am not a friend to Oregon. On the contrary, Oregon has no better friend

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than myself; there is no one who would venture more to save it. But it is asked why I do not pursue the same course of action as in regard to Texas. If the gentleman will refer to my remarks in 1845, he will find that the views which governed me then are the same with these which govern me now. I believe that precipitancy will lose you Oregon forever—no, not forever; but it will lose you Oregon in the first struggle, and then it will require another struggle hereafter, when we become stronger, to regain it.

I will not go into this question now; I am prepared, when it comes up for discussion, to show, if argument can show, that the principle involved in these resolutions, so far from gaining Oregon, will for the present lose every inch of that territory; and it is on that account, as much from the fear of losing Oregon as from the desire of avoiding war, that I have proposed amendments to the Senator's resolutions. It is for this reason that I am opposed to the resolutions. Sir, if my advice had been pursued we should never have been involved in this controversy at all. I now act under circumstances not produced myself, and I will do the best I can to save the Territory of Oregon, which I hold as valuable as the Senator from Indiana himself can do. If you institute a comparison between Oregon and Texas, I would say that the former is as valuable to us as the latter, and I would as manfully defend it. If the Senator and myself disagree, we disagree only as to the means of securing Oregon, and not as to its importance. Sir, I intended to say nothing about censuring the President; I simply said that, by implication, a censure would be conveyed. I do not suppose that the Senator intends to reflect upon the President; but there can be no difference, as far as the principle involved in this question is concerned, between the circumstances when the proposition for a division at the forty-ninth parallel was made and now. It was as sensible then to make the offer as it would be now.

Mr. HAYWOOD said that, after having given a great deal of attention to the subject, he had arrived at the conviction that it did not become the Senate to interfere in the matter at present. He had a reasonable confidence in the President, and inasmuch as the constitution of the country had conferred on him the power of conducting the negotiations, therefore, unless he saw proper to call in the aid of the Senate, or until the Senate thought it incumbent on them to advise him to surrender all negotiations, and the subject should be transferred to the Senate legitimately, and the Executive should have washed his hands of it, he thought the Senate would be acting improperly to interfere in the matter. But when once legitimately transferred to the Senate, he would then be ready, in the love of country and the fear of God, to take part in the settlement of the question. But until then he should oppose all proceedings which would have the effect either of censuring

or of landing the President pending the negotiations. In making this remark he did not mean any more than what the Senator from South Carolina himself meant in reference to the original resolutions—namely, that a censure might be understood to be conveyed by implication; that the passage of a resolution declaring it a violation of honor to surrender any part of Oregon was an implied censure upon the President, who had authorized a proposition for such surrender.

Mr. ARCHER said it seemed to him to be a matter of no great importance what disposal the Senate might finally make of the two propositions now before them. The main object he desired had been obtained by the debate of this morning. He merely rose at this time for the purpose of expressing his profound satisfaction at the course taken by the distinguished Senator from South Carolina. He had had occasion to express his views upon the subject heretofore. He came here imbued with apprehension, but he hailed the attitude taken by the Senator as an undoubted omen of peace; and from his place here he proclaimed the glad tidings to the country. And why? They of that side of the House would now find on the other side members enough to sustain them in the ground which they were going to take.

Mr. J. M. CLAYTON said the resolutions, as he viewed them, were of an advisory character; and as he thought the Executive entitled to the initiative in matters of this character, it did not appear to him that the Senate ought to assume it. It was the duty of the Senate to wait for the issue of such negotiations as the Executive, acting on his own responsibility, might enter into; and when he presented a treaty for their approval, it then became their duty to discuss the subject. Were they now to express an opinion in favor of one series of these resolutions, or the other, would they not stand committed, in the face of the country, to the course indicated by the particular resolutions which they had adopted? It must be clear to every one, that, whether they decided in favor of the forty-ninth parallel, or for the whole of Oregon, they would have prejudged the question, when the Executive should send them a treaty, embracing the one principle or the other, for their ratification. To act upon these resolutions before the Executive has acted, and has submitted the result of his course for their consideration, would be to assume the initiative, which had not been vested in them by the constitution.

Supposing that the resolutions of the Senator from Indiana were voted down, and the amendment adopted as a substitute by a majority, which it was to be presumed would not be very large, what would be their position? A majority would have said, or recommended, that the question should be settled by the adoption of the parallel of forty-nine. Suppose the President could obtain better, or not so good terms. Suppose, in the exercise of his discretion, and

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urged by a paramount sense of duty, he should determine to accept twenty-eight degrees twenty minutes as the boundary, taking the half of Oregon, and yielding half, should we not be met from every quarter, and with truth, with the cry that we had voted for a different parallel? And should we not have thus involved the matter in difficulty and embarrassment by our previous decision? He would be willing at any time when it should be properly presented, to go into the question; but he trusted that it would not be forced upon the Senate. Let the subject emanate from the President, upon whom has been devolved the whole responsibility. Let us not seek to take any portion of that responsibility from him, or to assume his office. He would repeat, that, according to the letter and spirit of the constitution, the initiative did not belong to the Senate. It did not become them to give a premature opinion which would have the effect of foreclosing the subject. Let it remain in the hands to which the constitution has committed it.

Mr. CALHOUN wished to make one or two remarks on what had fallen from the Senator from Delaware. He could assure that Senator that he was as much adverse to forcing the discussion as the Senator himself could be. But he thought the Senator was wrong in supposing this was an exercise of advisory power, which should not be discussed openly. It was a question as to boundary; one on which we should not leave a doubt on the public mind. On this floor, and in the face of the world, we are called on to pronounce our yes or nay, now that the question has been started here, or there may arise in the public mind a presumption that no treaty will be ratified here which does not conform to the particular views thrown out on one side of the Senate. The propositions which he had submitted by way of amendment, were clearly not advisory in their character; therefore, although adverse to premature discussion, in order that no doubt should be left on the mind of the Executive, now or hereafter, as to his constitutional right of negotiating for territory, he desired a decision of the question. He thought this was still the more necessary, because there was an evident tendency in the country to the opinions expressed by the Senator from Indiana, the effect of which might be to involve us in great difficulty. The resolutions which he had offered only assert that the President, in offering to the British Government a settlement on the basis of the 49th parallel, did not, in any degree, compromise the honor, dignity, or best interests of the country, and that it was a proper exercise of the powers confided to him by the constitution. He hoped that a majority of the Senate would acquiesce in the propriety of settling this question by negotiation.

Mr. HANNEGAN moved to lay the resolutions on the table, to be taken up hereafter, when

the subject of notices and bills should be in order.

Mr. BENTON. I shall vote for the motion, without the qualification.

The question on the motion of Mr. HANNEGAN was then put, and decided in the affirmative.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, December 30.

#### Naturalization Laws.

The SPEAKER announced the order of the day—the resolutions of the General Assembly of the State of Massachusetts for such amendments to the naturalization laws as will protect the ballot-box and the elective franchise from abuses and frauds.

The pending questions were: *first*, on a motion of Mr. LEVIN to refer the resolutions to a select committee, with instructions to inquire whether any, and what, alterations are required in the existing naturalization laws; and, *second*, a motion made by Mr. BRONDEAU, that they be referred to the standing Committee on the Judiciary.

Mr. DOUGLAS said that the point to which he should address the few remarks he wished to submit to the House, was contained in the instructions moved by the gentleman from Pennsylvania (Mr. LEVIN) for the select committee, directing them to inquire whether any, and what, alterations are requisite in the existing naturalization laws. His objection to these instructions was this: that they implied the existence of a power in Congress to prescribe the qualification of voters and to punish frauds on the ballot-box. Mr. D. said that he was ready to go as far as any man could reasonably desire in the exercise of any constitutional privilege or power to correct frauds, not only upon the ballot-box, but on the naturalization laws, or any other laws of the United States. But while he held it a matter of great importance to guard the ballot-box against corruption, he believed it equally important that Congress should refrain from the exercise of powers which by the constitution were reserved to the States. He conceded to Congress the fullest power to establish naturalization laws: respecting that there could be no question; for the power was expressly given in the constitution. But he denied that naturalization included the power of voting. He denied that a right to vote was one of the prerogatives of a naturalized citizen, either here or in any country on the globe. The privileges of naturalization and of voting were as entirely separate and distinct from each other as were the Federal and the State Governments. Naturalization did confer the right of citizenship, and citizenship included the right of protection, the right to sue in the courts in time of war, the right to hold real estates, the right to receive property by descent,

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*Naturalization Laws.*

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the right to transmit it, and various other rights which it was not necessary particularly to designate. This was the extent of naturalization, as it existed in England previous to our separation from the mother country, and as it existed here before and at the adoption of the constitution. The term was then distinctly understood. It was as clearly and accurately known by the framers of the constitution as the term "bankruptcy" or "maritime jurisdiction," or any other legal term which they inserted in the constitution; and when they gave to Congress "power to establish a uniform system of naturalization," they used the term both in the popular and the legal sense which it bore at the time.

Mr. D. said he was sustained in this position by a reference to the debates of the convention by which the constitution was framed. If gentlemen would examine those debates they would find that a proposition was then distinctly brought forward to establish uniform rules of voting as well as a uniform system of naturalization and of bankruptcy. The convention entered on a consideration of the subject deliberately, and fully discussed it, and finally settled it as it now stood in the constitution. It was found by them that the moment they entered on such a subject innumerable inconsistencies and difficulties presented themselves, which it was impossible to reconcile or to remove, from the fact that the old thirteen States were each an independent commonwealth, having a constitution and laws of its own, and each prescribing the qualification of voters according to its own pleasure.

These prescriptions and enactments were as various and as numerous as the States themselves: in some of the States negroes were allowed to vote on a perfect equality with white persons; others, whose tastes were different, denied to the colored population the right of voting at all; some States adopted a property qualification, while others refused and repudiated all such restriction. Some States required citizenship as a pre-requisite to voting, while others again threw wide open their doors to the friends of liberty from every clime, even before they were naturalized. The convention found that delegates coming from these various States were all zealous for the usages which prevailed in their own States, they were resolutely tenacious each of his own State regulation in this matter, and could not be brought to any compromise. Southern members could never think of letting their negroes vote side by side with themselves, while gentlemen from the North were quite as resolute in refusing to permit the colored people from being deprived of the right; and so with respect to all the other differences—the diversities were as various and as numerous as the States represented. After long and eager discussion, the convention found either that the design of framing a constitution must split and be finally shipwrecked on this rock, or that

they must come to some compromise. They adopted the latter alternative, and the result was now found in the second section of the first article of the constitution, which reads as follows:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

The question as to the qualifications for voting was thus remitted, or rather reserved, to the States, each being left to settle it according to its own views. That each independent State had a right, as such, to prescribe the qualifications of voters for its own Legislature, was a proposition so self-evident that it had never been questioned. Whenever the State had exercised this right, and had determined on what conditions its citizens should vote for the most numerous House of the State Legislature, the constitution came in and declared that the same class of persons should be entitled to vote for members of Congress. For instance, the State of New York had declared that free negroes might vote for members of the Legislature, provided they held a certain amount of property. Then, under the constitution, free negroes, holding that amount of property, might vote for members of Congress in that State. South Carolina, on the contrary, expressly prohibited negroes from voting for members of her Legislature, and there the constitution came in and in like manner prohibited negroes in that State from voting for members of Congress. In Illinois and Michigan, and in some other States, the State constitution conferred the right of voting on aliens, and there aliens might, by the constitution of the United States, vote for members of Congress. The question was as plain and as clear as truth itself. All argument was unnecessary—nothing could render it clearer. It was a question explicitly settled by the constitution.

And that instrument was no less explicit in relation to Presidential elections. Hear its language:

"Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector."

Here, as before, each State exercised its own sovereignty, and appointed in such manner as its Legislature chose to direct, the requisite number of electors of President. Virginia accordingly directed that such of her people as were qualified to vote for other State officers might also vote for Presidential electors; but South Carolina chose to direct that the Legislature itself should appoint her electors. Would any gentleman deny her right to do so, without any ref-

erence to the people, if such was her pleasure? We might doubt; if we would, the wisdom and justice and policy of such a State arrangement; but the House was not now discussing the expediency or the wisdom or the justice of such arrangements as the States had chosen to make, but the question of its own constitutional power to control or alter, or in anywise interfere with those arrangements. That it had no such right was as clear as the sun. It was denied in that sacred organic instrument which held the Union together. Whatever the State laws were on the subject of suffrage, the constitution adopted and confirmed them. Congress might alter the laws of naturalization, or might repeal them altogether; they might extend the period of probation to twenty-one years; they might, if they pleased, adopt the Native American creed, with all its narrowness and bigotry and selfishness and injustice; but, do what it would, it never could reach the sacred right of suffrage—that was reserved to the States. The right to regulate the elective franchise was the most vital and essential element in our system of civil liberty; it formed in fact the basis of our system of free government. It was reserved to the States by the constitution, and this the States well understood, and they defied and derided all attempts of the Native American party to interfere with or control its exercise; and he trusted every such attempt by the abuse of the powers of Congress would meet with the rebuke which it so justly merited. The principle was broader and higher and deeper, and of more vital character, than any which Mr. D. had seen embodied in an act of the National Legislature; to destroy it was to strike at the constitution itself. And it was under this conviction that he had sought to obtain the floor, that he might enter a most solemn protest against the remotest attempt to touch it.

Mr. D. said that he should not enter into the question whether it would be good policy or not to interfere with this right, supposing Congress to possess the power. It was one of those things which could best be determined by a regard to local interests and local circumstances. States situated two thousand miles from the Atlantic, with a sparse population, and that population almost exclusively agricultural, would naturally regard this subject in a very different light from those who resided in our Atlantic cities; and any rule constructed to suit those cities only would not suit Indiana, Illinois, or Missouri. And the present state of the question showed how rightly the convention had judged when they determined to leave the whole right of franchise to the exclusive control of the States alone, inasmuch as they could best adapt it to the condition and feelings of their people.

Mr. D. said he should feel himself constrained to vote against the instructions proposed, and indeed, to vote against the appointment of any select committee in the case. If referred, it

belonged appropriately to the Judiciary Committee. And why should it be taken from them? But this reference was objected to—and on what ground? First, it was said that the question had been referred to the Judiciary Committee at the last Congress, and that that committee had done nothing to remedy the evils complained of. But, on further investigation during the debate, what had turned out to be the fact? It was that the committee had investigated the subject, and fully reported upon it, and had presented to the House a bill intended to correct the alleged frauds, so far as the subject of naturalization was connected with them. The committee had fully discharged its duty; it had done all which belonged to it, and all that was in its power. If there was any fault in the case, it was the fault of the House, and of the House alone. And why should an assumed neglect of this committee of the last Congress (which neglect did never exist) be urged against a reference to a committee of the present Congress, consisting of different gentlemen?

Other reasons—no, he would not call them reasons—but other arguments had been urged why the subject should go to a select and not to the standing committee. The House was told that the present Judiciary Committee was opposed to any action, and had declared their unwillingness to take the subject under their jurisdiction. He would ask whether that committee had ever declared themselves opposed to a correction of abuses in our naturalization laws, and against the prevention of frauds in their administration? He believed not; he certainly had heard no such declaration. He had, indeed, heard the chairman of the committee say that he was opposed to Native Americanism, and had no desire to administer on its dead carcass, but hoped the bantling, with all its beauties, such as they were, might be committed to the charge of its natural or unnatural fathers. These might not have been his precise words, but they certainly expressed his idea, and in that idea Mr. D. most heartily concurred. He was glad that that respectable committee was opposed to taking cognizance of any question touching the right of foreigners to vote in our elections, because it was a matter over which the committee had no power whatever.

But then the House had been told that Parliamentary law required that when a subject was referred, it should be sent to its friends, and not to its enemies; that the lamb must never be given to the wolf to nurse; and, as Native Americanism had in this Hall but six advocates, the resolutions should be referred to a committee of Native Americans. But here, too, the argument failed, because there was not enough of them to make a committee. But what sort of a Parliamentary law would that be which would enable a minority of six in such a House as this to settle the articles of a political creed, and to proclaim it *ex cathedra*

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to their friends all over the country? Mr. D. should as soon think of gentlemen's asking a committee to inquire into the fate and present condition of the late Whig party, and move for a Whig committee because they were its friends, as he should of granting a similar committee to the Native Americans to do the same thing in respect to the Native American party. Taking cognizance of parties, and aiding in their organization or advancement, was a matter which did not belong to Congress. Its members were not sent here for any such purpose. If the Native Americans in that Hall desired that the question of Native Americanism be referred to themselves, that they might have an opportunity of collecting and setting forth their own account of riots and church-burnings and murders, in order to palm off a one-sided view of these facts, in order to prejudice the victims of their lawless violence, Mr. D., for one, was opposed to gratifying them. If the House choose to appoint a committee for such a purpose, then it ought, in justice, to invite the Irish Catholics here, that they, on their part, might have an opportunity also to say who they were that burnt their churches and killed their women and children, and who had been the first aggressors in those dreadful scenes of riot and disorder. Mr. D. did not intend to pass any judgment respecting those riots; for riots in a city within a State did not constitute a legitimate subject of inquiry here, unless they had in some way been committed under the Government of the United States, or its officers.

For these reasons he was opposed to granting a select committee. And he had one other reason, and it was this: that these Native American gentlemen said that they wanted to show a connection of frauds on the naturalization laws with the corruption of the ballot-box. But such an inquiry would be inconsistent with the powers of the General Government. If the inquiry should elicit frauds ever so gross, Congress could not act upon the matter. He would say to them, as he would to the Abolitionists: If you have grievances to complain of, go to your own State Legislatures; address your petitions to those who have power to act in the premises. If these Natives meant to carry out their wholesale system of disfranchisement, let them turn their batteries against the States; let them go there, where they had a right to be heard, but not come here, where there was no jurisdiction for redress.

Mr. D. hoped that the House, by its solemn vote, would rebuke this attempt to impose upon Congress powers which did not belong to it. These gentlemen might rely on it that the States would never consent that Congress should interfere with their State rights on the subject of suffrage. They would but awake an opposition which never could be overcome. It was the duty of the States to resist such an attempt, and the people of the States well understood it. They stood ready to rebuke every act which struck at their own reserved

rights; and the present was one of the most flagrant attempts to do so. If Congress could take cognizance of the right of suffrage in respect to foreigners, they could in respect to negroes; and when once that should be attempted, gentlemen would very quickly find themselves treading upon dangerous ground. Every man who wished to keep separate the powers of the General and the State Governments, and to preserve both in their plenitude and vigor, must meet this question boldly. He trusted this House would never consent to cringe and to pander to this new political sect by constituting them a committee upon their own conduct, and giving them an opportunity of attempting to wipe out, by a Congressional report, that stigma which had become indelibly fixed to them and their designs. The House might as well appoint a committee of one to make a report on abolitionism, and the same Parliamentary rule about wolf and lamb might be invoked in that case as in this. He defied gentlemen to show any difference.

Mr. D., in conclusion, expressed his admiration of the magnanimity of certain gentlemen who were willing to grant the committee because of the smallness of the party. He admired, too, the reason given, viz.: that it might appear selfish in them to deny it; but as no such reason operated with him, he hoped the select committee would be denied, and that the resolutions would be referred to the Committee on the Judiciary, where they properly belonged.

The debate was continued by Messrs. BENDIGER, SIMS, DIXON, and J. R. INGERSOLL.

Mr. HAMLIN, after remonstrating against the consumption of time, and expressing his personal preference that the resolutions should go to the Committee on the Judiciary, moved the previous question, which was seconded.

And the main question was ordered and put, that the resolutions be referred to the Committee on the Judiciary.

And it passed in the affirmative.

FRIDAY, January 2.

Mr. MILTON BROWN introduced to the House Mr. EDWIN H. EWING, member elect from the State of Tennessee, vice JOSEPH H. PETRON, deceased, who was qualified and took his seat.

MONDAY, January 5.

Oregon.

Mr. C. J. INGERSOLL, from the Committee on Foreign Affairs, moved that the rules of the House be suspended to enable him to make a report.

And the question being taken and two-thirds voting in the affirmative, the rules were suspended.

The resolution was read and some difficulty was suggested as to its form—the words

"Senate concurring," &c., stand in the place of the usual words "by the Senate and House of Representatives," &c.

Mr. C. J. INGERSOLL, remarking that there was concurrence enough by the language of the resolution, said he was instructed by the Committee on Foreign Affairs to move that it be referred to the Committee of the Whole on the state of the Union; and that it be made the special order of the day for the first Monday of February next.

[Cries of "No—no—that is too late, say to-morrow."]

The resolution having undergone some verbal alteration, had its first and second reading, in the following words:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States forthwith cause notice to be given to the Government of Great Britain, that the convention between the United States and Great Britain, concerning the Territory of Oregon, of the sixth of August, 1827, signed at London, shall be annulled and abrogated twelve months after the expiration of the said term of notice, conformably to the second article of the said convention of the sixth of August, 1827.*

Mr. G. DAVIS, a member of the committee, now rose and said that he had a report from the minority of the committee; which, at a proper time, he was instructed to offer as a substitute for the report presented by the chairman (Mr. C. J. INGERSOLL) in behalf of the majority. As the report was short, he (Mr. D.) hoped that the House would so far indulge him as to allow it to be read at this time.

After some unimportant conversation as to the title of the joint resolution,

Mr. G. DAVIS asked leave to have the report of the minority read, before the question was taken.

Mr. C. J. INGERSOLL hoped no objection would be made.

[Cries from all parts of the House, "Read it, read it."]

Mr. G. DAVIS then presented a report in behalf of the minority of the Committee on Foreign Affairs; and ascending the Clerk's platform, read it himself, as follows:

The minority of the Committee on Foreign Relations ask permission to report, that the third article of the convention between the United States and Great Britain of October, 1818, provides: "That any country that may be claimed by either party on the north-west coast of America westward to the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers," &c.

The convention between the same parties of August, 1827, in its first article, stipulates: "All the provisions of the third article of the convention concluded between the United States of America and his Majesty the King of the United King-

dom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited."

The second article of the latter convention provides: "It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention: and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice."

In his Message at the beginning of the present session of Congress, the President states the purpose of these articles, and recounts the several efforts made by our Government to terminate by negotiation our conflicting claims with England in the Oregon country; and premising that "all attempts to compromise having failed," concludes: "This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating, in this manner, the convention of the 6th of August, 1827."

The first, and a very grave matter for inquiry is, whether the President can properly invoke Congress to aid him in giving this notice; and whether the co-operation of the House—a branch of the law-making power, and invested by the constitution with no Executive function whatever—can be properly united with the President and the Senate in the act of giving this notice? Cannot the notice be given without the concurrence of the House? If it can be, would not such an interference be without the scope of its powers?

The House had no agency in the formation of this convention with England. It is a treaty with a foreign Government, that was made properly, and that could only be made by the President and the Senate. The sanction of the House was never given to it, nor was this necessary for its full and complete effect. There are two modes by which this treaty may be terminated: First, by a declaration of war; secondly, by giving the notice of twelve months, according to its stipulation. In the first mode the concurrence of the House would be a necessary constituent; and if the President had deemed that the best, it would not only have been proper, but indispensable, that he should ask the co-operation of the House. But what warrant has the House to act in the other mode of putting an end to this treaty? The constitution no more confers upon it any power, or agency, to terminate a treaty than to make one, except only by a declaration of war, which dissolves all subsisting treaties. The provision for the notice is a part, and an essential part, of this treaty. The act of giving the notice is a high discretionary power, created not by the Constitution, but by the President in negotiating, and by the Senate in ratifying, a treaty with such a provision. It is a treaty of indefinite, but still of temporary continuance. The treaty-making power might, at any time, with the consent of Great Britain, modify it, as once has been done. The same power may at any time put an end to it; and its existence is but the operating continuous will of this power for that purpose. Its termination may at any time be effected by the withdrawal of the same will for its longer existence. The House



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may be, and often is, required to exert appropriate legislative powers in the execution of treaties; but this notice is not one of that class. It has no property of a legislative power. It is executive in its essence, or it is, in our system, of the nature of, and incident to, the treaty-making power. It is a high discretion, pertaining not to our internal affairs, but to our relations with a foreign Government, created by this treaty-making power itself, resting with it, and depending upon its will alone for the exercise. Suppose the President, of himself, had given this notice; would it have terminated the treaty? Without deciding the grave problem of the validity and effect of such notice, no one will hardly doubt that if he had communicated with the Senate in secret session upon this subject, and he, with the concurrence of two-thirds of that body, had given the notice, it would have been done properly and constitutionally.

To give this notice rests properly with the treaty-making power. The maintenance of all our foreign intercourse pertains to the President. He negotiates treaties and submits them confidentially to the Senate, which approves or rejects them. Secret and confidential relations subsist between him and the Senate, such as he does not and cannot have with the House. A proper judgment upon the question of this notice might depend upon a full knowledge, in all its minutiae, of the existing diplomatic correspondence, pending propositions, verbal or written, and all the relations between our Government and that of England. All this information the President might communicate, under the seal of confidence and secrecy, to the Senate. The House would have no right to demand it of him, and it might be improper for him to impart it. If he did, the House would be possessed of it, subject to no inviolability; and yet secrecy might be very necessary. Suppose, too, the House should decide against the propriety of giving this notice, its judgment against that of the President and the Senate would effect nothing practically. He and two-thirds of that body could give the notice in defiance of the House; and whatever way it might act upon the subject, they could constitutionally disregard and overrule. It is then deemed to be clearly established, that the House is not a necessary party to give this notice; that it might, in fact, be given without consulting it, and against its expressed judgment.

It is not denied that the House might, in the form of resolution, express its opinion upon the subject of this notice, or any such public matter appertaining to the General Government; but these resolutions would be merely abstract opinions, of no practical operation, and having no authority but their moral weight. The House, by its resolution, might declare that it was expedient or inexpedient to give this notice; and if in the one form or the other, the President might or might not give heed to it. But it has no power to originate, or to concur in a legislative proceeding, whether in the form of joint resolution or bill to authorize this notice to be given. It can neither give nor withhold power to that end.

It is conceded, that the concurrence of the House in a resolution or bill authorizing this notice would not in any degree affect its validity. But its adoption by the two departments of Government, in the form of a legislative proceeding, would transfer it from the treaty-making to the law-making power,

and in this mode the incidental but important question, whether the assent of two-thirds of the Senate would be necessary, might be evaded. It would also tend to break down the partition of our Government among various branches, by mixing up the House in an operation which the constitution had intrusted to other functionaries. And why should the House, by a violation of all propriety in form, and without any effective authority over the subject, make itself a party to this proceeding? If the notice be expedient and proper, it has become so without its act. It is rendered so by the refusal of the President to arbitrate the controversy, and by his closing further negotiation. These were his own acts, about which this House had no constitutional right to interfere. The President asked not its advice or interposition in them, whether they be proper or not. He alone was competent to their performance, and he alone ought to be held responsible; but if the House thus irregularly unite in authorizing the notice, it voluntarily assumes and divides this responsibility with the President. If the House distrusted the President in this matter, it might pass a monitory resolution, operating morally, to quicken or restrain his action. But it is his business, not that of the House. In the present state of the question, without expressing an opinion whether the notice ought or ought not to be given, and as the solution of that question is constitutionally for him, or for him acting with the Senate, the House ought to be content to leave him to his proper judgment, discretion, and responsibility. Wherefore,

*Resolved*, That the question whether a notice to terminate the convention between the United States of America and Great Britain, of October, 1818, and continued in force by the convention of August, 1827, ought to be given, is not a matter for the decision of Congress, and upon it this House, at the present, refrains from the expression of any opinion.

GARRETT DAVIS.  
TRUMAN SMITH.  
CALEB B. SMITH.

The reading having been concluded—

And no objection being made, the two reports were ordered to be printed.

The SPEAKER then said that the question on the special order would be taken first on the longest time.

Mr. GIDDINGS inquired whether the motion to refer did not open the whole subject-matter to discussion?

The SPEAKER said it did.

Mr. GIDDINGS. To the same extent as a similar motion opened the merits of the same subject the other day?

The SPEAKER. The Chair is under the impression that it does.

Mr. McDOWELL. What was the question now presented to this House? That they should decide upon our title to Oregon? No. He would not do that subject the injustice of attempting to discuss it for a moment at this time. He held in his hand an argument wholly unanswerable—the last letter of the Secretary of State on this subject—a document which was characterized by more ability than any which had fallen from the hands of any Secre-

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tary before. That argument was conclusive, and was such as would vindicate our title before any intelligent body. The title was not now to be discussed; but the question which was now fairly before them was of a different character. It was, first, have we ever had the right of possession? and have we, in any way, transferred that possession to Great Britain, or to her serfs? And, if so, what shall be the policy to be adopted by this Congress for uprooting the jurisdiction of the British Government over that territory? These questions he proposed to discuss a few moments.

Now, in order to ascertain what our position is on this subject, it was necessary to look back to a few incidents in history, to see whether we ever had possession of this territory. We learn from the letter of the Secretary of State that we had exclusive possession of that country before the declaration of war with Great Britain in 1812. We learned, furthermore, that Great Britain laid violent hands on that territory, and wrested it from us during that war. Has that possession been restored by any act of Great Britain? One of the first provisions of the treaty of Ghent was, that all territories taken by either nation from the other nation should be immediately restored; and, in accordance with an order of that Government from George III., the possession of that country was delivered back to the United States in 1818. If it was, then, delivered by Great Britain to this Government, had there been any subsequent acts on the part of this Government which had divested us of this title? There was no pretence that there had been any such act, unless it could be pointed out in this convention (of 1818) of joint occupancy, or whatever it might be, which was made about two weeks after the surrender of that territory to the United States, in England, by her accredited minister. [Mr. McD. read from the convention of 1818.] Did any gentleman, he asked, say that the right of possession, or that possession itself, was conveyed to Great Britain or her subjects by this convention? Certainly not. It was a mere transfer of individual rights to citizens of Great Britain, to enter that territory, to fish there, to trade with the Indians, and to leave the territory at pleasure. He insisted, then, that the rights conveyed were merely individual rights, and that we never, in that convention, parted for a moment with the right of possession, or with possession itself. If that position was correct, how did we stand in relation to Great Britain? Were we precluded by the terms of that convention from throwing our jurisdiction over that territory at once?—from organizing a government at once to protect our citizens and the soil of that territory? He denied that we were. We never could violate any part of it, unless we should prohibit the citizens of Great Britain from the individual rights granted them, such as trading in that country, and navigating its waters. Then, he asked, whether it was not

competent for this Government to take possession of this territory, to exercise all the rights of ownership over it, so far as is necessary for the protection of our citizens and our soil, provided it did not interfere with the individual rights conferred upon subjects of Great Britain under that convention? Undoubtedly it was; for there was no principle better established by international law than that where a Government takes possession of a country, there it has empire, sovereignty, and the domain, when the country has not been pre-occupied by another power.

If, then, the possession is with us, were we prohibited from the establishment of a Government over Oregon for the protection of our citizens and the security of our soil? We were not. The question then arose, What was the best mode for the United States to pursue on this subject? Should we give the notice under the present circumstances, or proceed to the exercise of our rights over that territory without the notice? That was the question for us to decide. During the last session of Congress he had voted against the notice; and he held in his hand the record of the names who voted in the same manner, among which were the names of almost every member of the Democratic party from the State of Ohio, and a large majority of the representatives from the South; and yet he found for the bill, after the notice had been incorporated in it, the votes of almost all his colleagues, and all the southern Democrats, except three or four.

He said, then, this was a question of expediency. They were to settle whether they were bound to give notice to Great Britain that we intended to take possession of that territory, and whether it should be by any abrogation of that convention or not. He held that, by taking possession without the notice, and by exercising the legitimate rights of this Government, pertaining to the soil and to our citizens, we should not interfere with the rights of British subjects; and that it could be done without offence, and that hereafter notice could be as well given to Great Britain that the joint occupancy, or whatever it was, should cease. He was not here to stickle on this point; he was here to represent the wishes of the people—of his own constituents; he saw by the papers recently that a meeting of a large number of the citizens of his State had passed resolutions in favor of the giving the notice. That being their wish, (and he holding to the right of instructions,) and that being the wish of the President of the United States, for whose opinion he had the greatest respect, and for whose judgment he had the highest regard, he was willing to surrender his humble opinion, and to carry out the wishes of the country. Whatever might be the fate of this notice, he should take the responsibility of carrying out what he believed to be the wishes of his constituents, in voting for it. Some gentlemen said it would be a very unwise policy

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on the part of this Government to give the notice when that notice must result in war. He did not pretend to say what would be the consequences of this act. He did not pretend to say what course of action the British Government would see fit to pursue if the notice were given, but certainly in itself it would not be *casus belli*. But when we saw the course that Government had taken; that her subjects had erected fortifications, and that they had certainly taken possession of that country; if, at the end of the twelve months' notice, by which we would say that the rights exercised over that country should be exercised no longer, war was to come—let it come; and the moment our flag was planted on the mountains of Oregon, that moment there were thousands of our citizens who would rise in their strength and resist that power, and stand for the defence of our rights.

Some gentlemen in this House talked still about the treaty, and about negotiation. What did our Secretary say for himself? [Mr. McD. here read an extract from the closing correspondence of Mr. Buchanan with Mr. Pakenham.] Now, he submitted, has not the President of the United States done all he can do for the purpose of peacefully settling this question? Had not the course pursued by the agent of Great Britain here—who undoubtedly represented her troops—shown that nothing less than the whole territory would answer her purpose? Were they here to recommend to the President of the United States to make a further offer of territory? No; all had been done upon the subject that ought to be done; and, as one of the humble representatives of the people of the great West on this floor, he raised his hand in the presence of Almighty God, protesting against any further offers on the part of this Government.

There was another very important question which might arise in reference to this negotiation before the Congress of the United States. For one he entertained doubts, and honest doubts, whether the President of the United States, and the Senate of the United States, had the power to transfer our territory and our citizens, with their allegiance, to another Government, contrary to their wishes. It would be an exercise of power which would be disastrous to the liberties of our country, and to which he never could give his assent, so long as his heart beat with the warm emotions of liberty which God had given him. Negotiation! He had rather make that territory the grave of his fellow-citizens, and color its soil with their blood, than to surrender one inch of our soil to the British Government, and by that surrender, forever seal our own infamy.

Mr. RHETT obtained the floor. He said this whole question was simply whether we should give the notice or not. There was no dissent on this floor concerning the other measures which the President had recommended. A bill incorporating all the other matters he believed

would pass this House with unanimity. The only difference was concerning this notice. Shall it be given? And that being the case, he took it, when this convention had been in force for twenty-odd years, during which the honor of the country had not been impaired, by no less than five different Administrations, that it was incumbent upon those who say the notice should be given, to say why it should be given, and not to satisfy themselves with declaiming about war, and about Great Britain's aggrandizement. It was a question of interest, of policy, that they were to settle.

Now, to begin, what object had we in doing so? The gentleman from Massachusetts (Mr. ADAMS) had answered this question. He thought the President of the United States had answered it when he said we cannot gain exclusive jurisdiction unless we give the notice. The object, therefore, must be, to take exclusive jurisdiction of Oregon, as the gentleman says, and on which he thinks the patriotism of certain men on this floor implicated. But if we begin by giving this notice, and passing the series of measures necessary to gain exclusive jurisdiction, he supposed the gentleman from Ohio, (Mr. McDOWELL,) or the gentleman from Massachusetts, (Mr. ADAMS,) or the gentlemen from Pennsylvania, (Mr. O. J. INGRESOLL, and Mr. DARRAGH,) would not halt in carrying them out. But how was it to be done? There was but one way: by pulling down the cross of St. George upon the thirty-odd forts Great Britain had in that territory, and by turning every Englishman out of it, unless he will swear allegiance to us. That was the only way in which we could take exclusive possession of it. Now, was that peace or not? He wished to understand gentlemen, and what we were to do. According to his humble apprehension, it was war—plain, unequivocal war. Now, it seems to him that that would be the effect, the inevitable effect, of giving this notice.

What position (said Mr. R.) will it put us in? We shall leave our defensive position, and take up the aggressive position. Great Britain may then tell us to come on—that she will act on the defensive, and content herself with maintaining her own position. She will put upon you the burden of waging an aggressive war. Now, sir, in all the contests in which the United States engage, it is important that she should act defensively, and that her course should be just, not only in her own eyes, but those of the civilized world. Our institutions are based on the best, not on the worst principles; they are based on truth, and justice, and right. That was the basis of Republican Governments, while others were founded upon fraud and force. If we should put ourselves in the attitude of those nations who carry on wars of aggression, the last refuge of liberty that was left among the nations of the earth would be forever lost. We must have strong and imperious reasons to justify us in entering upon any war, still more an aggressive war.

What reasons have been offered for a course of measures which may lead to war? Has Great Britain, since 1827, violated any of our rights? Has she injured any of our citizens in their persons or property? Is she making any more progress in the settlement and occupation of the territory than we are? On the contrary, we are in as good a position under the treaty as Great Britain is, and may enjoy all the advantages which the country offers to the enterprise of our citizens. We are in a better position, in fact, than Great Britain is; at least in one respect. Until within the last five years, Great Britain had more advantages over us in the territory; for she was making settlements, and carrying on trade with the Indians, while we were inert. But the case was now very different, and the terms of the convention were operating against Great Britain, and in our favor. Within the last five years the tide of emigration had begun to roll steadily, and with daily increasing strength, from the Western States to the Territory of Oregon. Our people were going there in troops; and it had been stated that we already had a population of seven thousand in the territory, who were settled, and engaged in agricultural pursuits and trade. By this process of emigration and settlement we are obtaining possession of the country—obtaining it quietly, peaceably, and effectively. When we have become numerous and strong in Oregon, it would be time enough for us to wish to terminate the convention. If Great Britain should now move in the matter, and say that the convention was operating injuriously to her interests, it would not be so surprising.

Sir, (said Mr. R.,) I am not afraid of a war with England, nor with any other nation. The United States are in a position impregnable to any assault. No nation can conquer us. The principles of our Government render us as incapable of conquering other nations as they are of conquering us. But if we did wage a war of aggression, we should have great reason to regret its success. Suppose we subdue England, and plant our victorious banner, if you please, on the palace of St. James? We have got Oregon then, and ruined ourselves. Can any man suppose that our Government, at the end of this long struggle, will be what it now is? Will not military rule have become substituted for constitutional order? I, sir, am a peaceable man. I have been here nine years, struggling to put some limitations upon our Government. I have ever been what has been called a Jeffersonian Republican, though not under an October sun; and it is my sincere belief that, if this war should take place, it will so alter the form of this Government that it will become as despotic as that of Russia. I call upon all those who represent the democratic principles to say whether they wish to see our limited institutions of Government run over by military power and subjected to military despotism. Our constitution would be utterly destroyed by

war, such as those which are now thought expedient. The whole system would crumble into ruins. We all know how difficult it has been to put any limitations upon the powers of this Government. See what a struggle had been continued for years between the federal and anti-federal principles of our institutions, and how great a tendency had always existed in our Government towards centralization. There had been a strong tendency to the aggrandizement of the head, and the subjection of the several parts of the system. As soon as our constitution had gone into operation, it assumed a military aspect. And why? Because the military spirit which arose in the Revolution had become infused into it. Thus, after the late war, the war spirit was infused into the administration of the Government. The Federal principle became predominant, and it required a long and arduous struggle to carry it back again to the Jeffersonian principles. As a Democrat, as I might be called in the North, or as a Republican, as I would be termed in the South, I demand (said Mr. RHETT) that you give us good reasons for urging us to a war or for putting us into a condition that shall make it inevitable. Show us that the honor of the country requires that we should go to war. Show us that the sacrifices of war are demanded from us by very necessity. How has our honor been sullied? Honor, you say, calls us; let us go on; all who fall back are recreants. But still we are not told who has assailed our honor, or in what manner. It is not from the South that this cry of honor comes, else it would be denounced as extravagant and idle. You have not shown that our honor is likely so much to be injured as to affect our vital liberties. You must make out a clear case before you call upon us to go to war to sustain our honor. Honor (said Mr. RHETT) is not only jealous of the rights of the people, but it protects them. That is not honor which takes fire at every occurrence in a negotiation; that is not honor which demands exclusive advantages in every transaction between nations. Before our fathers went into the war of the Revolution, they endured, for ten years, a series of aggressions upon their rights. They endured every wrong, and sought redress in every mode, before they appealed to the sword. If the object was to obtain Oregon, and to obtain it without war, he was ready to show the means by which we should certainly become masters of Oregon, unless Great Britain should move in the matter, which will be a breach of faith on her part. All we had to do was to let the convention remain.

TUESDAY, JANUARY 6.

*Oregon.*

The SPEAKER said that the unfinished business of yesterday was the following joint resolution, reported by Mr. C. J. INGERSOLL, from the Committee on Foreign Affairs:

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*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States forthwith cause notice to be given to the Government of Great Britain, that the convention between the United States and Great Britain, concerning the Territory of Oregon, of the sixth of August, 1827, signed at London, shall be annulled and abrogated twelve months after the expiration of the said term of notice, conformably to the second article of the said convention of the 6th of August, 1827.*

And there were two motions pending: first, the motion of Mr. C. J. INGERSOLL, that the resolution be referred to the Committee of the Whole on the state of the Union, and that it be made the special order of the day for the first Monday in February; and, second, the motion of Mr. PRIOR, to substitute to-morrow [*i. e.* this day] for the day designated by Mr. INGERSOLL.

Mr. HILLIARD was entitled to the floor.

Mr. H. asked gentlemen to turn their attention to the importance of Oregon, for he believed that its intrinsic importance had been greatly undervalued.

And first, looking at it in a political view, it must be admitted to be of great value to us. England had a frontier to the north of us extending three thousand miles, and stretching entirely across the continent. If we permitted her to come from that line three hundred or five hundred miles down the coast of the Pacific, we should give her the opportunity of filling up the only break which now existed in that line of continuous fortification with which her energy and vast resources had encompassed the globe. Why was it that she pressed, with so much earnestness and pertinacity, for the possession of this strip of land along our western border? Was it the soil? was it the trade? No. She could enjoy the trade if the territory was ours; and it certainly would be in that view better for her to resign a strip of territory than to lose a good neighbor. But no; these were not the considerations which made her so anxious and so persevering. It was the political value of the territory which, with her accustomed sagacity, she saw and duly appreciated. Statesmen ought not to bound their view by things at this moment presented to their eye. They should lift their vision until it embraced a broad view of the future also. This the British statesmen were in the habit of doing; and we, if we were wise, would follow their example. Before we counted the value of Oregon, we must look across the Pacific, and estimate that trade with China and the Eastern Archipelago which was soon to open on us in all its riches, grandeur, and magnificence. As things now stood, our vessels returning from the ports of Eastern Asia had, as it were, to run the gauntlet through a long line of British naval posts, from every one of which they were exposed to attack. Her fleets were in every sea, and, however widely spread this Eastern commerce might be, and however inestimable its value, it was subject in a moment

to be arrested. But if we had our ports and our settlements on the shores of the Pacific, our commerce would float in comparative safety over the tranquil bosom of that wide-spread ocean. Surely, in this view of the subject, it would be poor policy in us to yield one inch of that which was our right. As to the extent of the territory, whether it were much or whether it were less, he should not now stop to say.

Again: He regarded this Oregon matter as a national question in the strictest sense of the term. He had differed from his Whig friends respecting the annexation of Texas; he had ever been in favor of it, for he viewed that, as he viewed this, as a national question. In adopting his conclusions, and in conforming to them his course of action in relation to that important subject, he had not been conscious to himself of one particle of selfish feeling. What he did, he did for his country, for his whole country—for the welfare and aggrandizement of this nation. He had been in Europe when that question was first agitated, and he had witnessed the jealousies of European Cabinets in regard to it, and their intrigues and combinations to defeat the annexation, and he felt his American blood roused at the spectacle. He now looked on Oregon in just the same way; with him it was no Northern, no Southern question. He had come up here as a National Representative. True, he could not wholly divest himself of feelings, which were born with him, and of early memories which nothing could efface; but, God helping him, he intended to do strict and equal justice to all. In his course in that Hall he should look alone to the national aggrandizement and the national glory. And well did he know that in such a course the people he represented would sustain him. He had not been long enough their Representative to say, with John Randolph, that no man ever had such constituents; but he had lived among them and knew them, and he knew they would sustain him. He would not enter into a combination of a merely party character. His political career might be short, but if uprightness was glory, he was resolved it should be glorious.

Gentlemen had spoken of the policy of President Monroe, who had warned the nations of the Old World that they would not be tolerated in any interference with the balance of power on this continent, and that they must establish no more colonies on our shores. Mr. H. was in favor of this policy, so far as it could with justice be carried out. Where European nations had already possessions on this continent they should be suffered to hold them without molestation, but he was opposed to their planting new colonies in this our Western World. The honor of this sentiment, however, belonged justly as much to the gentleman from Massachusetts (Mr. ADAMS) as it did to Mr. Monroe; for though the latter was the Chief Magistrate, the former was at the same time Secretary of State, and if he did not suggest, had certainly

sanctioned the policy. The present Executive maintained the same doctrine, and Mr. H. doubted not that the whole country would heartily come into it.

But Mr. H. had some facts to illustrate the value of Oregon to us, which he deemed of the first moment. England and the United States were the only competitors for the trade of Southern China; the trade of the northern portion of China was in the hands of the Russians, and was mainly conducted at two great fairs annually held, in which the traders of the two nations assembled and conducted their commercial transactions; but South China was in the hands of England and this country, who were competitors for the profits of the trade. England imported every year four hundred and fifty thousand chests of tea, while we imported two hundred thousand, besides muslins and silks and other commodities of great value. In this gainful traffic, England regarded us as a rival Power, and she was by no means disposed to give it up. The coast of Oregon fronted that of China, and presented great facilities for carrying on this important branch of our commerce. Fully to avail ourselves, however, of these advantages, we ought to connect Oregon with the State of Missouri by the construction of a railroad. This was not so wild and visionary a scheme as at the first view some gentlemen might be disposed to consider it. Let them reflect that it was but fifteen years since Mr. Huskisson had lost his life between Liverpool and Manchester, in an experimental trip over the first railroad ever constructed in England. And what was she doing in that system now? And then look on the continent, and see one continuous line of railroad, extending twenty-seven hundred miles, entirely across Europe, from Odessa to Bremen, while another line extended from the Adriatic for near a thousand miles. And yet gentlemen stood here and looked aghast when any one spoke of a railroad across our continent, as if it were something wondrous and altogether unheard-of before. Should such a road be constructed, it would become the great highway of the world; we should before long monopolize the trade of the eastern coasts of Asia. At present, the shortest possible voyage from London to Canton occupies seventy days; but, by such a railroad, a traveller might pass from London to Canton in forty days. There was no wildness, no extravagance in the idea; but it was a matter of sober sense and plain calculation. What a magnificent idea did it present to the mind, and who could calculate the results to which it would lead? With a route so short and so direct as this, might we not reasonably hope, in a great measure, to command both the trade and the travel of the world? Engrafted on this plan, and as its natural adjunct, was the extension of a magnetic telegraph, which should follow the course of the road; unite the two, and where was the imagination which could grasp the consequences?

In either of the views he had presented, it was impossible that the importance of Oregon could be overlooked. He trusted it would be realized by all, and he hoped to see a mail line, at all events, established across the mountains. England had been engaged in an experiment in ascertaining what was the shortest overland route through Germany to the East Indies, and he believed she had ascertained how it could best be accomplished; but if we constructed this railroad, she would then be dependent on us for the shortest and most direct route to China and her East India possessions. Was not the language of Berkeley in the progress of fulfilment, when he wrote that immortal line—

“Westward the star of empire holds his way”?

When Oregon should be fully in our possession, when we should have established a profitable trade with China through her ports, when our sails traversed the Pacific as they now crossed the Atlantic, and all the countless consequences of such a state of things began to flow in upon us, then would be fulfilled that vision which had wrapt and filled the mind of Nunez as he gazed over the placid waves of the Pacific.

Mr. H. had many facts bearing on this subject which he should be glad to state; but his hour was fast elapsing, and he must reserve them for another opportunity.

He would now address himself to the moral aspect of this great question. Gentlemen had talked much and talked eloquently about the horrors of war. He should regret the necessity of a war, he should deplore its dreadful scenes; but if the possession of Oregon should give us a territory opening upon the nation prospects as he now described, and if for the simple exercise of our right in taking possession of it Great Britain should wage upon us an unjust war, the regret which every one must feel would at least have much to counterbalance it. [Mr. H. here quoted an eloquent passage from a British writer on the open prospects of the United States, which the reporter wishes he was here to give.]

Mr. H. dwelt upon the august conception there finely embodied, and expressed his trust in God that it might at no distant time become a reality. He trusted that the world might yet see our people living, not indeed under the “laws of Alfred,” but under a great improvement of those laws, as he also trusted they would ever be heard to speak the “language of Shakespeare.” Above all, was it his prayer, that as long as our posterity should continue to inhabit these hills and valleys, they might be found living under the sacred institutions of Christianity. Put these things together, and what a picture did they present to the mental eye! Civilization and intelligence had started in the East; they had travelled, and were still travelling, westward; but when they should have completed the circuit of the earth, and reached the extremest verge of the Pacific shores—

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when they had realized the fable of the ancients, and the bright sun of truth and knowledge should have dipped his wheels in the western wave—then might we enjoy the sublime destiny of returning these blessings to their ancient seat; then might it be ours to give the priceless benefit of our free institutions, and the pure and healthful light of Christianity, back to the dark family which had so long lost both truth and freedom; then might happy America, while with one hand she pointed to the Polynesian Isles rejoicing in the late recovered treasure of revealed truth, with the other present the Bible to the Chinese. It was our duty to do it. He trusted we would esteem it as much our honor as our duty. Let us not, like certain British missionaries, give them the Bible in one hand and opium in the other, but bless them only with the pure word of truth. He trusted the day was not far distant: soon, soon might its dawn arise, to shed upon the farthest and the most benighted of nations the splendors of more than a tropical sun.

Mr. JACOB THOMPSON rose to make an inquiry of the Chair. The 27th rule declared that

"After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day."

Now, he had called the attention of the Chair to the rule for this purpose: He wished to know how it was that this question now took up more than the morning hour?

The SPEAKER said, that the subject had been brought yesterday before the House, under a suspension of the rules. If it had come up in the ordinary course of reports from committees it would not have been competent for the House to discuss the subject beyond the morning hour; but inasmuch as it came in under a suspension of the rules, the Speaker could not arrest the discussion until the matter was disposed of.

Mr. THOMPSON: I make an appeal, then, to all sides of the House, to allow this report, by unanimous consent, to be referred to the Committee of the Whole on the state of the Union, where the discussion can be continued. By this means the committees may be called for reports during the morning hour; the regular business of the House can proceed; and the discussion on the resolution (which I have no doubt will be continued for several days) can go on after the expiration of that hour. I hope that this proposition will receive the favorable consideration of the House.

The SPEAKER said he believed a division of the question had just been demanded.

It was accordingly ordered.

And no objection manifesting itself—

The question on the first branch of the motion of Mr. O. J. INEZSOELL was taken, and being decided in the affirmative—

The joint resolution of the Committee on Foreign Affairs was referred to the Committee of the Whole on the state of the Union.

And, on the second branch of the motion—to wit: on making the resolution the special order for the first Monday in February—the yeas and nays were ordered.

The question was then taken, and resulted—yeas 100, nays 87.

So, two-thirds not voting therefor, the House decided that the resolution should *not* be made the special order for the first Monday in February.

Mr. PRICH thenupon withdrew the amendment he had submitted, to make the resolution the special order for *to-morrow*.

WEDNESDAY, January 7.

*Washington National Monument.*

Mr. HOLMES rose, as he said, not to mingle at all in this grave conflict of mind, or this altercation of wits, but to offer a resolution which must now be offered to be available; and which, amidst all the strife and confusion in which they were involved, would come gratefully over the heart of every member of this House. He held in his hand a resolution to authorize a committee of the Washington National Monument Society, in conjunction with the President of the United States, to fix upon a site to erect, upon the 22d of February, a monument to the Father of his Country. It was known that already, by a grateful country, a large sum had been raised for that purpose. They were now about to carry this project into execution; and he trusted that, amid all this strife of party, there would be one unanimous pulsation of gratitude towards General Washington.

Mr. H. sent up the resolution to the Clerk's table, where it was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Washington National Monument Society be, and it is hereby authorized to erect the proposed monument to the memory of George Washington upon such portion of the public grounds or reservations within the city of Washington, not otherwise occupied, as shall be selected and designated by the President of the United States and the Board of Managers of said society, as a suitable site on which to erect the said monument, and for the necessary protection thereof.*

The resolution was read a second time by its title, and (by general consent) was read a third time, and passed.

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On motion of Mr. YAWKEY, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. TIBBATS, of Kentucky, in the chair,) and resumed the consideration of the joint resolution providing for the twelve months' notice of the termination of the convention of 1827.

Mr. O. J. INEZSOELL wished to correct an error in the resolution. The resolution was

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now drawn so as to leave it extremely doubtful whether the notice would not be given for two years. He wished to correct it by striking out all after the words "shall be annulled and abrogated," and inserting, in lieu thereof, "at the expiration of the term of twelve months from and after said notice shall be given, conformably to the second article of the said convention of the 6th August, 1827."

Mr. I. moved to amend the resolution accordingly.

Mr. HILLIARD now moved the amendment which he had previously indicated, as follows:

Strike out the words "forthwith cause notice to be given," and insert, "be empowered whenever, in his judgment, the public welfare may require it, to give notice."

Mr. YANOWY said—

Mr. Chairman: Events of no ordinary magnitude have been rapidly thickening the path of our progress as a nation. But yesterday, a magnificent empire, fruitful in all the elements of moral, political, and commercial greatness, obtained peaceful ingress within the pale of our liberties, and a full fruition of our laws and institutions. But yesterday, and the representatives of a land, which had long been the El Dorado of Spanish hopes in the palmy days of that once splendid monarchy, took their seats in the councils of the Federal Union. Around me I see the representatives of several sovereign States—of States carved from a territory capable of furnishing to the Union as many more—a territory which is drained by the mightiest rivers of the earth, whose sources, in the beautiful and striking phraseology of another upon another occasion, are amidst perpetual snows, but whose outlets are amidst perennial flowers.

This magnificent picture, sir, is but a grouping of the results of peace—of a peace honorably formed, and honorably kept, with the whole world—of a peace which is shedding its radiant influences, and pouring from its "horn of plenty" its choicest blessings upon institutions framed to receive them, and over a people capable, I trust, of appreciating them. It has been a peace which has enabled our commerce to explore every sea in search of their treasures, and our flag to become known to the world as that of a people whose dominions are extended by civilization and by reason, and not by arms and by blood. It has been to us a period of repose, during which our canvas has been unfolding and spreading its snowy sheets over every wave, quietly but effectually, driving England from her commercial supremacy on the deep. Under its benign and inspiring influences the energies and intellect of our people have been directed into channels in which they have developed many of the hitherto hidden and mysterious powers of nature, and made them subservient to the great interests of humanity; and, as a part of these results, we can now see the magnificent ship, with every sail furled,

moving with silent and terrible majesty into the very teeth of the wind, as if propelled alone by the unseen and submerged hand of Neptune, and dashing opposing waves in angry spray from her prow, while intelligence is spreading from city to city upon the wings of the lightning.

It has been a peace, which, as if to laugh to scorn the bounties of war, has given to us territory after territory, more magnificent in domain, and more pregnant with national grandeur, than any that the blood-dripping eagles of Imperial Rome ever flew over in their conquering and devastating career.

Yet, though such are the fruits of such a policy, I see around me crowds of American statesmen, yearning to break this mighty and glorious spell; whose hearts are *panting for war*, whose hands itch to grasp the sword, whose feet are raised to trample the olive-branch, whose every impulse is to grapple with England to decide by the terrible law of arms a territorial right.

Sir, I respect, though I must disapprove of, the feeling which animates the men of the West on this question. Sympathy for their friends in the far-off Oregon; impatience—indignant impatience, it may be—at any restraint which England may have thrown in the way of a full assertion of our rights there; and a longing, natural to brave hearts, to avenge the oppressions which that haughty power may have committed for centuries upon the nations of the earth, are all feelings which, however much I may deem well calculated to cloud the judgment upon a matter of such grave import, are likewise well calculated to elicit a sympathetic response from every American heart. Strong, too, in all the elements of greatness and strength, we may not fear a contest with any nation.

But we should be careful lest prosperity and continued success should blind us to consequences—lest, in our pride, we do not fall. Sir, it cannot be treason—it cannot be cowardly—it cannot be unwise, for us calmly and dispassionately to consider our true position in this matter; and I beg of our friends—of the West in particular, (and surely a Southron may well claim that sacred relationship to the sons of the West,) that if some of us of the South are disposed to put a curb on this hot impetuosity, we shall not be deemed their enemies on this great issue. Like them, I am for all of Oregon. With them, I believe our title to it to be complete against the world. My only desire is, that we so regulate our movements as to be able to secure it all. To do so is not without great difficulty. On whichever side you turn, that difficulty stares you in the face. To overcome it requires moderation—calculation as well as firmness. Haste and impetuous valor may lose us all, or give us but a part.

I desire to give a very brief review of the manner in which we have become connected with England in this matter. Asserting our title as derived from discovery, exploration, and



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settlement, we were confronted by England, claiming, through a convention entered into between her and Spain, and commonly called the Nootka Sound convention, a right of jointly occupying the country of Oregon, and therefore opposing any exclusive possession in us. Unable to settle the difference satisfactorily and amicably, on the 20th of October, 1818, both parties agreed to a convention, which left the title in abeyance, but gave to the citizens of both countries the right of entering, trading, &c., for the space of ten years.

Shortly afterwards, on the 22d of February, 1819, Spain ceded to the United States all her rights to any territory on the Pacific coast, north of latitude forty-two degrees. We thus became possessed of all the rights to the territory of Oregon, save such as Great Britain might deduce from the Nootka Sound convention; under which she only claims a right of joint occupancy, expressly admitting, as I understand her, that she has no exclusive title to one inch of the territory.

Two other attempts at settling this question between us have failed. On the 6th of August, 1827, this joint convention was indefinitely renewed—a provision being inserted, however, that either party might terminate it, by giving to the other twelve months' notice of the intention to do so.

This convention, then, and its renewal, was the result of a failure to reconcile the conflicting claims of the two Governments in 1818, 1824, and 1826. In 1818, Mr. Monroe, and in 1826, Mr. Adams, offered, as a compromise, to give to Great Britain the free navigation of the Columbia, and exclusive title to all of the territory north of forty-nine degrees of latitude. In 1824, Mr. Monroe also offered to give to Great Britain all above the forty-ninth degree of north latitude. Each of these very favorable, and, it seems to me, conciliatory offers, was promptly rejected by the English Government. After the first rejection, if negotiation had then closed, what would have been the result? Either we would have had to *force* England from her joint occupancy, or have ignominiously "abandoned" our rights. To avoid such an issue, what did Mr. Monroe do? He entered into a joint convention for ten years. I put it now to the reason and candor of gentlemen, was not that measure a *substitute for war*? or what is far more wretched and withering, if war was not to ensue, was it not a substitute for national disgrace?

After the second prompt rejection of the result of nine years' negotiation by England, our Government again consents to an indefinite renewal of the treaty—and why? For the same cause that induced its original formation—to avoid the unpleasant alternative of an appeal to arms; for Great Britain positively, and three times, had refused to yield a joint occupancy of that territory, and, of course, a failure to renew the convention would have forced us either to drive her from it, or to abandon it to

her! I repeat, then, that this convention was a *substitute for war*.

It is now proposed to give notice of our desire to terminate this convention, or to substitute *results* for these terms; it is now proposed that we *annul* this substitute for war, and to use the sword to cut this "gordian knot," which twenty-eight years of negotiation have been unable to untie—to do that which Mr. Monroe, under precisely similar circumstances, deemed it unwise to do in 1818; and which Mr. Adams abstained from doing in 1827, under far more favorable circumstances. I said, under far more favorable circumstances; for our States were not then loaded down with those enormous debts which the paper-money system has since bequeathed to them as its dying legacy, and our antagonist was not, as now, armed to the teeth. It will be conceded, I believe, by all, sir, that Great Britain has never—even in the moment when placing her foot upon the prostrate form of that mighty genius of war, Napoleon—been as completely panoplied in all the means of defensive and of aggressive war as she is now. At peace with all the world, and having prepared the monarchies of Europe for her movements—amongst whom it is well said we have not a friend to whose arbitration we dare trust this case—she has been husbanding her resources, recruiting on a large scale her naval marine—has built an enormous steam-fleet, and sent them round the world, in the peaceful garb of mail-steamers, exploring the coasts and harbors of other nations; whilst, too, she has been constantly augmenting her already immense military resources.

The question arises, then, Are we prepared for this issue of arms? Alas! sir, "in peace" we have not "prepared for war." From the very West, which now seeks to involve the country in its vicissitudes and horrors, has come a long-continued opposition, as I am informed, to any such increase of our gallant and glorious navy as the wants of the country, it seems to me, imperiously demand. Many of our ships are rotting on the stocks, or lying idly in the harbor; and our officers, of course, permitted to roam over the land, instead of the sea. Our army is so small that even at this moment, as I learn from the chairman of the Committee on Military Affairs, there is not a single United States soldier in the State of Alabama—none to light a match, if a hostile force enters the waters of Mobile Bay.

At this very time, too, when war's dread horrors are laughed at by young members of this House—full of courage, doubtless, but with no experience—even now, when we are about to dare old England to cross swords with us, serious opposition is made to passing the bill of your Military Committee providing for the raising of a single regiment of riflemen!

Entirely unprepared, then, for such a terrible conflict as that between ourselves and Great Britain must inevitably be, will it be deemed treasonable, dishonorable, or cowardly, in one

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who here represents a portion of the people who are to be affected by it, to advise that "discretion, that better part of valor," warns us to avoid it, if it can be done with honor!

But I am here met with the assertion that this notice is a *peace measure*. Would that I could believe so. But I cannot shut my eyes to the contrary, written as with a pen of iron, both on the notice itself, and on the facts attending it. As yet I have listened in vain to some half-a-dozen hour speeches in its favor, for a single argument showing it to be such. On the contrary, nearly every advocate of notice being given, runs into enthusiasm in contemplating the glories to be achieved in revenging the long unredressed injuries which England has committed upon the world! I will not repeat my argument showing that the convention was adopted as a *substitute* for war, and that therefore its termination involves war or an abandonment of the claim of one or the other nation. I will now show how it is viewed by its supporters, peace advocates though they are asserted to be.

[After considering this point, Mr. Y. proceeded as follows:]

This notice, then, if given, would be a *war move*. It is argued as such. Mr. Polk evidently deems it as such. In itself, it is such a move.

What, then, is the *object*? I am told, to obtain *all of Oregon*. I, too, go for all of Oregon. I go for it up to 54° 40'. I am desirous of attaining that end in a way most consistent with the interests and honor of the country, and most likely to be effectual. Will *war*, will the strong hand, be that best mode? I think not, and am therefore opposed to giving the notice at this time.

In the event of war, it certainly would not be waged in Oregon. In the first place, it is too remote from our resources, both of material and men, for us to operate there successfully. It would take an army, fully equipped, and carrying its own supplies, (for there are none in Oregon,) full four months to march from our frontiers into Oregon, scaling, Napoleon-like, in their progress, the American Alps. England, mistress of the sea, by means of her numerous fleets could much more readily transport troops and provisions to that point. With us, it would be equal to a foreign and aggressive war, to carry it on in Oregon. For such a war, it is not treason to say we are weak. Our institutions do not fit us for it. England, then, I take it for granted, would soon have possession of the whole territory, and would soon fortify the passes against any invasion of it on our part hereafter.

The war, however, would be fiercely waged on the ocean and in Canada. Riding in large fleets, the cross of St. George might pass triumphant. In single and more equal combats, it would be as certainly lowered to the stars and stripes. Canada, too, would yield to our valor; and when both parties became tired of the

contest, in which the *vitality* of neither would have been touched, Oregon would be found in the hands of England, and Canada would be in our possession. England cares but little for Canada. To her it is an expensive and comparatively useless colony. For Oregon she cares much; for whoever is planted there will, from its splendid ports, command the trade of the great Pacific. Under such circumstances, peace, in all human probability, would be made between the two countries, by which England would be left in possession of Oregon, and the United States in possession of Canada. The North and East, and portions of the South, and even the West, would, after a long and exhausting struggle, consent to such terms, and thus would the *object of the war be lost*. The blood and treasure of the gallant West will have been poured out in vain, while the North and East will have reaped the greatest benefits for their sacrifices.

There might be one other result. Both parties, worn out by the struggle, might, as in the last war, stipulate to return all that either had conquered; and thus the country would be left where it was when it began the foolish contest of strength.

I said "the country would be left where it was." I erred, sir; far otherwise will be the result. We are now on the very portals of success in carrying out those noble principles of Government, which our fathers bequeathed to us, and which, if once wholly in operation, will do more than any thing else to advance the cause of liberty and happiness. We have just purged the old Republican party of that system of *bastard Republicanism*, which the war of 1812 bequeathed to the country, and have infused into it a new life and energy. The Message of Mr. Polk is amongst the best evidences of it; and the noble and masterly report of Mr. Walker—making clear that which before was intricate and confused—taking high constitutional grounds on the great subject of revenue—illustrating it with new and irresistible arguments—a document which, side by side with his great Texas letter, will commend him to immortality, is another of those fruits. The bill of my friend from Virginia, (Mr. DEXTER, for establishing a constitutional treasury, is another—altogether forming a system of noble measures, well calculated to ease the heart of a true Republican to throb with joy, if successfully carried through the ordeal of legislation.

We are on the point, too, of purchasing the magnificent territory of California, which, with Oregon, would give us a breadth of Pacific coast suited to the grandeur and commercial importance of our Republic.

All this would be blighted by war. California would be lost to us; Oregon would be lost to us. A debt of five hundred millions would be imposed upon the country. The paper system, in its worst form, will necessarily have been imposed upon us. The pension list

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—that spring of life and immortality to patriotic valor—would be almost indefinitely increased. The Government will have become *centralized*; its checks weakened; its administration federalized in all its tendencies. The fabric of State rights will have been swept away, and remain only as a glorious dream; and a strong military bias will have been given to the future career of our country, which, while it may be splendid in appearance, will bear within itself the certain elements of destruction.

Sir, this picture is not overwrought. It is a melancholy truth, too well attested to be disputed, that republicanism, which grows in the genial smile of peace, shrinks from the clash of arms, and yields to the fiercer bearing and swelling energies of its antagonist principle, the one-man power—a principle which thrives upon the wants and fattens upon the distresses of the country.

I say this in behalf of the whole country, and not merely for my own, my native land—the sunny South. In such a contest, come when it may, she, at least, has never faltered in her allegiance to the whole country; and it is now a pride and a pleasure to her sons, to remember that the actions of our gallant ancestry have been such, that no slur can be cast, even by the malignant fanatic, upon her escutcheon that history does not give the lie to. Strong in all the elements of government, her peculiar institutions (she has been accustomed to think, and experience sustains her) but strengthen her for a war.

I have thus endeavored, Mr. Chairman, to demonstrate that giving to England notice that we design to take exclusive possession of Oregon, will produce a war; that war will either terminate in the loss of Oregon, or in effecting nothing towards perfecting possession in us; that England will not give the notice, and that neither the honor nor the wants of the country require us to do.

I now propose to show, sir, that a system of peaceful measures will tend much more effectually to give us “all of Oregon” than warlike movements will.

I would say, then, pass your military bills. I am willing to vote to increase the number of our companies fifty or even one hundred per cent., and to raise mounted regiments sufficient to protect emigration to Oregon over our vast western plains.

I am ready to vote to build block-houses, not only on the route to the South Pass, but to build them in Oregon, as England has done.

I am ready to build such a station at the South Pass as will enable the emigrants, as they reach a point from which they can look upon the vast Atlantic slope on the one hand, and that of the Pacific on the other, to recruit and refit there.

I am ready to cover our people there with theegis of our laws to the extent that England has protected her subjects.

I am ready to offer such other and more

tempting inducements to its settlement as gentlemen may devise, in order that, in five years' time, one hundred thousand men may be thrown in the vales and amidst the hills of this disputed land.

Amongst such a population, would readily be found at least *twenty thousand riflemen*, well acquainted with the country, hardy and enterprising, and each well trained to a skilful use of his splendid national weapon. With such a force there, I would entertain no fears of any attempt to dispossess us of the country. It would then be, by population and the means which I have marked out, a part and parcel of our Union. As such, it never could be conquered. It is differently situated now. But England—who, as I have repeatedly said, claims no exclusive jurisdiction—would not war with us for it under such a state of facts, and must therefore, by the laws of necessity and population, be quietly rooted out. Perhaps her Hudson Bay Company would have to be remunerated. The Maine treaty furnishes a precedent by which that can readily be done. Let this be done, and we shall have realized the prophecy, and I sincerely believe what was the wish at the time, of Lord Castlereagh, expressed twenty years ago to our minister—“Why are you Americans so anxious to push this negotiation? In a short time you would conquer Oregon in your bed-chambers.” And most assuredly this will not be deemed treason in me, if I say that such a mode of perfecting possession of that disputed land is far preferable to any more bloody issue.

But if, dissatisfied with this course, Great Britain becomes alarmed, and appeals to the sword, then will the memories of every glorious battle-field, where we have proven our steel with her, animate our people to do their duty. In that event, the West, nerved by a recollection of the atrocities committed at the river Raisin—the East and Atlantic board, excited by a remembrance of this burning Capitol and their desolated towns—and the South, animated by the spirit which, on the plains of New Orleans, protected from British lust and rapine its “beauty and booty”—will, shoulder to shoulder, and with one common national impulse, rush to arms. Then, if you please, let every long-unredressed injury, inflicted by that haughty power upon the weak in every clime, nerve our arms, and make battle welcome; and, while the “fiery cross” goes speeding round our land, and our brothers gather for the conflict, let our motto be—“*Do or die!*”

In the burning language of the gallant Lochiel, (some little altered to suit us,) and which an American may well quote, then

“Welcome be Cumberland's steed to the shock,  
Let him dash his proud foam like a wave on the rock!  
But woe to his kindred, and woe to his cause,  
When 'Columbia' her claymore indignantly draws—  
When her 'panoplied warriors' to victory crowd—  
The brave-hearted and true—the dantless and proud—  
'Their swords are a million,' their become are one—  
They are true to the last of their blood and their breath,  
And, like reapers, descend to the harvest of death.”

That such a fearful tribunal for the settlement of our rights may never be forced upon us is my sincere prayer, sir. But if it must ever be so, then I most ardently hope, as I believe, that the country will be united and resolved to do its duty.

Mr. CALK B. SMITH obtained the floor. He had found, he said, that it had been generally considered here and elsewhere in the country that the Oregon question was a Western question, and that the West had a deeper interest in it than any other portion of the country. As one of the Western people, he would disclaim any such consideration for himself, and in behalf of the Western people he disclaimed it. The people of the West had no other than a common interest in this question, which belonged to every portion of the country. The question was not sectional in its character, and was not to be determined in reference to sectional interests. The gentleman from Alabama (Mr. YANNEY) had appealed to the West, as if the Western people were endeavoring to urge the country into a war with Great Britain on this question. I say (said Mr. S.) that we have no desire to plunge the country into a war. The gentleman may be well assured, however, that there pervades the West a deep anxiety that this question should be settled in such a manner as will preserve the rights not only of the West, but of the whole United States.

I, for one, (said Mr. S.) am not willing to plunge the country into hostilities with Great Britain, and to submit the question at once to the arbitrament of war. I believe that this is not the most certain way of securing our rights in Oregon. I believe that if we force the question to a war, it will be the means of delaying our possession of Oregon for years. It might not be the means of wholly losing it forever. He would not believe that the patriotism and energy of the American people would ever permit the loss and alienation of Oregon; but a war at this time would certainly hazard it.

I do not believe (said Mr. S.) that there is among the Western people any special desire for war. They have no peculiar thirst for the destruction of the public peace. I can speak, at all events, with confidence, as to those whom I immediately represent, but I do not undertake to answer for other States. I cannot answer for Kentucky, Ohio, Missouri, nor for Illinois.

He had desired to make a few remarks upon the points of controversy in this question; but he would not go into them, for the reason that they had been so well considered by others, and nothing that he could add would strengthen the arguments already advanced. He had given much attention to the question and had carefully considered the whole of the correspondence. He thought that the Secretary of State had presented our title in so clear and able a manner, that nothing further need be said. The Secretary had shown our sources of title, as he (Mr. S.) had supposed. But the

Secretary knew nothing about one great source of title that had lately been discovered. At least, he had made no allusion to this new title, to wit: the title of "manifest destiny," which was so much relied upon by the gentleman from Illinois. He (Mr. S.) could not consent that our claims should be made to appear absurd before the world by the assertion of such a title as this. What our destiny might be, was known only to higher powers than those of earth. It was not permitted to us to read the destiny of individuals or of nations. Our ultimate destiny was not yet manifested. He apprehended, however, that the people of this country were imbued with too strong a belief that it was their destiny, as the gentleman from Illinois had said, to conquer or overrun the whole continent, at least of North America. This wild idea had extensively prevailed, and been much encouraged. If we assented to this declaration of a determination to pursue our destinies by taking the Canadas, and Mexico, and California, and Cuba, and the other places named by the gentleman from Illinois, we should soon excite against the American Government the hostility of the whole world, and bring upon us their united forces in arms. It might be that the result of our progress would be the great extension of our territory; but if this cry of destiny was much further encouraged and promoted, we should soon be obliged to send troops into the heart of Mexico for the protection of a band of robbers, who would be plundering that nation in the name of liberty. Having said thus much, sir, of this new title, I will add, (said Mr. S.) that I consider our title to Oregon much better than that of Great Britain, or any other nation.

To my view (said Mr. S.) it is inexpedient to give the notice, or to instruct the President in regard to his duty on the subject. This is a duty that belongs to the President, and he is responsible to the people for his discharge of it.

All, sir, desire peace. If there is any one here who is ready to say, "My voice is still for war!" he had not opened his lips on this floor. If we are all for peace, then I contend this measure is of a character which, in the present emergency, will be the first step to bring war upon the country. The gentleman from Alabama (Mr. YANNEY) had anticipated him in bringing to the notice of the House two passages in the President's Message, and, by remarking upon them had superseded the necessity of further notice. No matter what might be the individual opinions of the President, at present, there was no doubt that he regarded this notice, when he recommended it, as a war measure. He had said that the question could not be compromised, and he therefore had recommended this step for the assertion of our rights. At the expiration of the twelve months, he tells us that we must be prepared to maintain our rights, or abandon them. If this notice was now given, it was his opinion that

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there would be war in twelve months' time. He could not bring himself to any other conclusion, unless Great Britain should back out and abandon her pretensions. But did her past history show that she had ever pursued such a course? He believed that she had never been known to recede from any position she had once taken. But if we pass this notice, she cannot recede without being disgraced in the eyes of the universal world.

I do not think, sir, that we shall back out. No portion of the American people can submit to see Oregon in foreign hands. We cannot and will not yield, except to the decision of arbitration, should the question be submitted to arbitration. Can we stop at the end of the year, and let the country still remain in the hands of Great Britain? No. We must proceed, as the gentleman from Massachusetts says, and take possession of it in military style. He was not disposed to yield to the pretensions of Great Britain; but he thought it ill became us to make these Halls the theatre of national reproaches. We ought rather to approach this great subject in a spirit of moderation and courtesy. If we intended to assert our title to Oregon by force, it would be discreet now to begin to put the country in a position to meet such an emergency. We went into the late war unprepared, and although our people on the frontier did all that could be expected from bold and patriotic hearts, yet they were crippled and defeated by the want of necessary supplies and munitions of war. He would ask gentlemen who were in favor of this measure, why they did not take steps to put the country in a state of defence? England was not now at war with France, as she was at the time when we declared war against her in 1812. Now she was at peace with all the world, and, at brief notice, could turn the whole of her fleets and armies against us. Our duty to the country required that we should, if this notice was given, put it in a posture of defence. He would be found ready and willing to vote for the most ample provision to defend the country. It was time that the people should be notified of their danger, if there was a purpose to pass this resolution; not that the hearts of the people should be prepared for war, but that their means of defence should be increased, and that they should not be exposed, without some protection, to the assaults of an enemy. It had been well said by the gentleman from Massachusetts (Mr. ADAMS) that, while we were talking about one regiment of rifleman, and one company of sappers and miners, and a line of stockade forts in Oregon, the British Government was arming and preparing its war-steampers, presenting a naval force far more powerful than any that was ever before seen. Shall we neglect our defences till the British artillery is heard on our coasts—until we see our cities wrapt in flames?

He trusted that he would be found willing to go as far as any one in the making provision

for the public defences. Although direct taxes were extremely odious in his part of the country, he would vote for them, or for any other equal mode of raising the necessary means for this purpose. If we must have a contest, then let it come. If any one now imagined that there was a British party in this country, they would then find there was none. There was no party here that would not sustain the country in all its hazards and dangers. But (said Mr. S.) I will ask, what injury will result from a continuance of this convention, call it a joint occupancy, or whatever you will? What injury will it do?

His honorable colleague (Mr. OWEN) had mentioned as one of the grievances to be complained of, that a settler from the United States had received eight hundred dollars to remove from the north side of the Columbia to the south side. He (Mr. S.) could not conceive what injury was to result from that. He regarded it equal to a gold mine for the settler; for he could go back and make another settlement, and get eight hundred dollars more, and so repeat the operation until he had exhausted the Hudson Bay Company of all their gold. All know that our settlements are rapidly and steadily on the increase, and that our people are going out to Oregon in great numbers. Such is not the case with the British settlements. Great Britain had made no efforts to colonize Oregon. The Hudson Bay Company were only engaged in trading, and were not planting any colonies. The British were not filling up their settlements, while we were rapidly increasing ours. Let us continue this operation, and but a few years can elapse before we shall be strong enough in Oregon to maintain our claims to the whole territory.

But I am willing (said Mr. S.) to extend our laws over the American settlers in Oregon, and provide for their adequate protection; and more than this they cannot ask for. He hoped he was not insensible to the demands of national honor; but in what manner was the national honor to suffer from the continuance of this joint convention? He could not discover how our honor should require its termination. Great Britain was more prejudiced by its continuance than we were. Her honor required its termination as much as ours. For twenty years it had been in force, and we had never, until lately, found that our honor required us to terminate it. Our honor would not be tarnished in the eyes of the world, nor our rights injured, if we should suffer the convention to remain as it is. It was very certain that we could effect nothing by menace. Something more than that would be necessary to take forcible possession of Oregon. He did not know that, because the rule allowed a member to speak but one hour, he was therefore obliged by the rule to occupy an hour. He had made the few remarks which he had proposed to offer; and now would leave the subject, not desiring to make a long speech.

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[29TH CONG.]

Mr. COBB obtained the floor.

On motion of Mr. J. R. INGERSOLL, the committee then rose.

Mr. JACOB THOMPSON (on leave given) gave notice of a bill to amend the act entitled "An act to confirm the sale of public lands in certain cases, and for other purposes."

And, after an ineffectual effort on the part of Mr. McKAY to make certain reports from the Committee of Ways and Means,

The House adjourned.

THURSDAY, January 8.

*Oregon.*

On motion of Mr. COBB, the House resolved itself into Committee of the Whole on the state of the Union, Mr. TIBBATT, of Kentucky, in the chair.

Mr. COBB (who held the right to the floor, from yesterday) addressed the committee as follows:

At this period of time, Mr. Chairman, I should consider I was inflicting upon the House an unnecessary and an unpalatable argument if I were to attempt to sustain the title by which this country possesses and holds a just claim to the Oregon Territory—to the *whole* of the Oregon Territory. Whatever opinions may be entertained in other portions of the civilized world—whatever opinions may be entertained by that master-spirit of the nations of the other world, with whom we are now thrown into a contest on the question—in this country but one voice falls upon the ear—but one deep, well-founded opinion exists. No doubts now remain on the minds of American statesmen that the Government of the United States holds a clear and unquestionable title to the whole of the Oregon Territory.

I propose not to discuss it, but I desire that this proposition may be considered as admitted; that it shall go before the country in connection with the argument I propose to make in favor of the policy suggested by the resolution on your table; that it may go to the country as the admitted and indisputable opinion of American statesmen, with scarcely any—if, indeed, any—dissenting voice; and that this title to the Oregon Territory is thus considered by us *clear and unquestionable*.

There is another proposition, Mr. Chairman, which I will not stop to discuss; but I desire to place it, like the one to which I have just alluded, on the footing of an axiomatic fact, that the importance of this territory to our Government and our people—whether it is considered in reference to agriculture, to manufactures, or to commerce—is no longer a debatable issue. Not that I consider it a subject commanding the clear approbation and the warm feelings of the West in its behalf, but I desire to raise it higher, and to place it on a loftier pinnacle. It is a national question, side by side with that important national ques-

tion, the annexation of Texas, which has already received the sanction of this Government. For myself, then, and my constituents, I enter a solemn protest against the opinions which may have been advanced here or elsewhere, that the question of Oregon is a Western question, or any other sectional question. It is one in which the whole nation feels a deep and a lively interest, and one upon which the whole nation will, sooner or later, speak with a voice approximating unanimity, if we, sir, do our duty.

I do not propose, Mr. Chairman, to detain you, either, with a recital of the long-pending negotiation which has been carried on between the British Government and our own, in reference to the adjustment of this perplexing and vexed question. I desire, however, as preliminary to the first, and perhaps the most important reason which I shall submit to you for my support of this measure, to refer very briefly to the state of the negotiation as it now stands between this Government and Great Britain. In 1818 our Government and the British Government entered into a convention, by which it was agreed that, for certain purposes, each of these Governments should be entitled to equal privileges within this disputed territory; whether you term it a convention for the purpose of joint occupation, or for the purpose of commerce, navigation, and settlement, (as that is the language of the convention,) is immaterial to my purpose. Subsequently to this convention of 1818, which was to expire by its own limitation in ten years, the convention was renewed, and the convention renewing the former one, continues it in force forever, unless the one or the other Government, by giving twelve months' notice of its desire to do so, shall terminate it. During the pendency of this convention there have been efforts made to settle and adjust this question. The claims of the British Government have been urged with great power by her statesmen; the claims of our Government to the title have been discussed also, and a satisfactory conclusion has been reached in the minds of American statesmen. What are these propositions? Our Government has proposed on more than one occasion to divide the territory at the 49th degree of north latitude. Some years back, we did, in connection with this proposition, agree to grant to Great Britain the navigation of the Columbia River. This has been repeated twice, if not oftener. But a few months ago our Government proposed that this question should be settled on the 49th degree, but withheld any offer as to the navigation of the Columbia River. During that same period of time, the British Government have submitted to our consideration a proposition on which they are willing to adjust this difficulty. That proposition, recently submitted to our Government, is a proposition which takes the same parallel of 49° until you reach a certain point on the Columbia River, and then she travels down the main

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stream of that river to the point where it enters the ocean. When the proposition was last submitted by the Government of the United States, (and submitted, sir, as I believe, and as the country believes, in the utmost good faith, and with a sincere desire on the part of our Government to settle and adjust the difficulty,) when that proposition was submitted to the British Minister, it was not by him referred to his Government, but the reply was made that the British Government will wait for a more liberal proposition to proceed from the American Government. And here we have reached the crisis, as I conceive it, in the adjustment of this Oregon question. We have here presented before us the grounds on which England has proposed to settle the Oregon difficulty; we have before us the proposition on which our Government has heretofore agreed to adjust this difficulty. The refusal, and the manner of the refusal, on the part of the British Government, will leave no doubt, as it seems to me, on the mind of any of us, that our proposition, which, to say the least of it, is the *ultimatum*, beyond all dispute, of the American Government, will never receive the sanction of the British Government. It has so been declared to the British Government by the Executive of this Government, that this is the *ultimatum*, beyond which we cannot go.

Now, if you refuse to carry out the recommendation of the President, to give notice to Great Britain to bring to a close this joint occupancy of the Oregon Territory, I desire to call the attention of the House to the inference and conclusion which must inevitably be drawn by the British Government. Your President has declared that the *ultimatum* has been reached; in the same communication in which he transmits this information to Congress, he informs you that from his knowledge of this negotiation, from the view which he has been enabled to take of all the matters in connection with the controversy, it is his deliberate conviction that no proposition will ever be made by the British Government to which this country can accede, and preserve its national honor and its national faith. In connection with his Message he recommends to you to give the notice: you refuse to do it. Mr. Chairman, will any friend, or rather will any opponent of this measure, answer me this question: let him place himself, in imagination, in the British Parliament; carry the information to that Parliament which the Executive has communicated to Congress; let that be followed by a vote on the part of Congress, refusing to carry out the recommendation of the President in giving the notice, and will he not say that British statesmen will be fully authorized to draw the inference that the Congress of the United States is not prepared to go with the President in his declaration, that the proposition submitted, rejected, and now withdrawn, is the *ultimatum* of the American Government? It does strike my mind, Mr. Chairman, if I

occupied the position which I have supposed British statesmen to occupy, that my mind would be drawn very clearly to the conclusion that the American Congress are not prepared to concur in the opinion expressed by the Executive of the United States; and that, refusing to give the notice for the termination of the joint occupancy, the American Congress has brought itself to one of two conclusions, viz.: either that the title on which the President so confidently relies is not clear to the mind of Congress, or else that the Congress of the United States is of the opinion that the Executive should submit, in conformity with the suggestion of the British Minister in the close of his last communication, a more favorable proposition to the British Government. Well, sir, I submit not to the American Congress, but to any member of it, whether he is prepared, by his course of conduct, to justify, on the part of Great Britain, an inference so clearly deducible from the course of conduct which we are called upon to pursue by those who oppose the giving this notice, and which is so manifestly opposed to the known sentiments and opinions of the American people? If we are determined, then, Mr. Chairman, not to sacrifice this territory, and not to submit to the British Government a more liberal proposition than the one which has been rejected, is it not due to the American Government—is it not due to her national character, to her national feelings, that she should no longer permit another power, however great, however haughty, however domineering, to enjoy, in common with her, rights to which she has no clear title, or to which she has no title whatever?

Mr. Chairman, has Great Britain ever made a proposition to the United States—have her statesmen ever suggested a proposition of compromise upon this Oregon question which would meet the response of an isolated voice in the American Congress? Do gentlemen anticipate a more favorable proposition than the one which the British Government has submitted to us? If so, I desire to be furnished with the reasons for that opinion. Here is her *ultimatum*, as her whole course of policy has evidenced. There is the *ultimatum*—perhaps, sir, *beyond the ultimatum*—of the American people, which has been submitted by our Government. We are divided by a gulf; we will not cross it; and we have no reason to believe that the British Government is prepared to meet us on our side. Our title is clear; our rights are unquestionable; hers are the reverse. Unless, then, you intend to hold out inducements, to the British Government to anticipate a falling back, a surrender, a still further surrender on the part of the American Government, it strikes my mind that the question requires prompt, energetic, decisive action on the part of our Government—such action as is recommended in the President's Message; such as is contemplated by the resolution on your table.

But there is another view, Mr. Chairman, in connection with the state of the negotiation, which I desire to submit to this House. If this Congress should adjourn without having authorized and empowered to give this notice for the termination of the joint occupancy, there is another inference which may be very clearly and distinctly drawn by the people and the Government of Great Britain. Will they not be prepared to say to themselves and to the world, that there exists in the American Government a division of opinion between these two departments of that Government—the Executive and the Legislative—which weakens the action of the Government, and enervates her energy and ability? The Executive marks out a course of policy evidencing a disposition on the part of that department of the Government firmly, energetically to assert and maintain the rights of the Government; Congress falters, falls back: Great Britain infers, and justly infers, that there exists on the part of our Government such a diversity of sentiment between the two different departments of the Government, that it is impossible for that energetic action which the occasion requires to be carried out, and those clear rights of our Government properly to be maintained. Are gentlemen prepared by their policy and course of conduct, to authorize an inference of this character on the part of the British Government? Mr. Chairman, I am not indulging in this course of reflection so much from the apprehension that the British Government will make these inferences; if it were not that in my humble judgment our course of conduct would authorize them to infer, and give the inference strength and importance, I would disregard such considerations. But I cannot say that such a course of conduct on our part would not authorize and justify an inference of this sort on the part of our opponents in this contest. Let Congress adjourn without giving the notice under this state of the facts connected with negotiation—under the fact that the recommendation has been made by the Executive—and if Congress fails to comply with it, will not both Great Britain, and the civilized world who feel any interest in it, be authorized to draw this inference, that the “clear,” indisputable, and “unquestionable” title of our Government to the *whole* of Oregon, is not so strong and forcible as we have attempted to make it? But why, sir, after twenty-five years or more of negotiation, when the American Congress have before them the proposition which has been made upon the other side, and no substantial reason can be given why any other proposition will be finally agreed upon; when you have been informed by the Executive department of the Government (to whose hands this is specially committed) that no proposition will be made which this Government ought to accept; when, under all these circumstances, you declare first your clear and indisputable title and right, and then refuse to assert that right, or to adopt

measures for the preservation of that right—will it not, in the eyes of the world, weaken our title to Oregon, and throw a veil—I care not how thin—over that which we now consider so bright and clear, to our conception at least? Go to the French Government, to the British Government, or to any other Government, and, after the action of Congress, refusing to give this notice—refusing to take possession of what we declare and believe to be ours, and then tell me whether our rights are not weakened in the estimation of those Governments; tell me whether our hand is not less strong then when we first entered into the contest. The world will so consider it, and will say that so far from it, there are shrinkings back, and misgivings among us; and we ourselves will look back to the crisis, which I consider the present moment to be, with regret that we allowed it to pass by without doing justice to ourselves, and without doing justice to the honor of our own nation.

It is with me, Mr. Chairman, a question involving our rights, and our final—I will not say acquisition—but our final, complete possession of the whole of this our own territory.

There is another view in reference to the negotiation, which I propose to submit to you, Mr. Chairman, and to this House. If gentlemen will put themselves to the trouble to investigate the negotiation between this Government and the Government of Great Britain on the subject of Oregon, commencing with its earliest inception, and coming down to the present time, they will find that the same reasons which control the conduct of an individual in the management of his private affairs, ought sometimes to be applied to a nation in conducting affairs of national importance; and the very reasons which are now urged for the further postponement of action, efficient action, on the part of our Government, will be found to have exercised an undue influence in times gone by. I do not say, nor do I wish to be understood, as intimating that there ever has been a period, in the history of this negotiation, when action of this character has been so imperatively required on the part of our Government as at the present moment; but I do believe that the settlement of this Oregon controversy could have been made with less excitement, with less trouble, with less difficulty in past periods of our history, than it can be made at the present time.

Mr. Chairman, there is no greater error in the conduct of government, or in the conduct of private affairs, than giving way to the disposition of our nature to postpone “the evil day,” as it is sometimes termed. You will find that the postponement of the Oregon controversy, instead of opening the door for its amicable adjustment, on terms more satisfactory, and less calculated to create excitement, has, in each step of its progress, accumulated new and more insurmountable difficulties; and to-day we are perhaps further from an



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amicable adjustment of it than we have been in any past period of our history, unless decided, energetic action is taken to bring it about. What are the reasons urged for the postponement of action? Why, the precedent that it was postponed in 1818 and 1827, when this convention was made and renewed. Well, will any gentleman answer me what has the Government made by the continued postponement of the settlement? Since the acquisition of our title from Spain, at every moment the difficulties have increased; they have never been lightened, and they never will be. If gentlemen will submit to my mind a course of reasoning which will show that at any future period this question can be better settled upon principles satisfactory to our country, then, perhaps, I might be prepared to go with them. But, Mr. Chairman, I look upon it that delay now, like delay in past times, will but increase the difficulty, heighten the excitement, and further prolong the period before a fair and final settlement can be effected. Will gentlemen listen to me when I allude to a discussion familiar, very familiar, to the older heads in this House, and a discussion not very unfamiliar to those who, in common with myself, took their seats two years ago in this House? At that time the Oregon question attracted discussion not only here but in the other branch of Congress. Do you recollect the reasons then urged for the further postponement of energetic action on the part of our Government? It was but a repetition of the argument made years before, as the history of the debates will show. You were told that negotiation was pending; that it would be improper for the legislative department of the Government to interfere when the matter was in the hands of that branch of the Government, which ought properly to consider it; and that when it was ascertained that negotiation could not be effected, then, and not till then, would be the time for the Congress of the United States to act. I recollect, whilst listening to remarks of this character that fell from the lips of a distinguished Senator—one whose voice always is listened to with attention and respect—that he told us (and others concurred with him) that the British Government had reasons why the Oregon question should go on and be postponed to a later day, and that the British Government never looked forward to the settlement of the Oregon Territory as an agricultural territory, or with a view to manufactures, or to make it a permanent settlement; that they only wanted the right to the fur trade; that it was being exhausted and passing by; that at present it would bear but a small comparison to what it had been in former years; and that as soon as this interest on the part of the British Government had ceased, we would have no difficulty in asserting the whole of our rights to Oregon. Well, sir, this argument is now at an end. You will not interfere with the Executive department in determining in favor of this notice, because you will but

carry out its recommendations; and I trust that American statesmen will no longer ask that this important result be postponed on the ground that the British Government, when it has exhausted its interest in the fur trade, will voluntarily render and yield us up our own. No, Mr. Chairman; our right to Oregon—to the whole of Oregon—is clear and unquestionable; and I desire to see it maintained to the letter and the spirit by the energetic, efficient action of this House, and of the other House of Congress.

We are told, Mr. Chairman, that there are not inducements sufficient to carry our Government rashly into a contest for this territory. I go not rashly. Sir, twenty-five years and more of negotiation, of reflection, of standing still, (if I may manufacture the term,) cannot be considered rash or heedless. There is a duty which we owe not only to our Government, as a Government, but a duty which we owe to the people who have emigrated to the Oregon Territory. Pardon me for a very few remarks on this branch of the subject. We are told, if you postpone giving the notice—if you allow this joint occupation to continue—our people will be emigrating to Oregon; that we will be building up our defence in the hardy sons of the West who shall have gone there for the purpose of finding a permanent home; that we will be adding barriers and defences to our possession of the Oregon Territory; and we are told in substantiation of this, that within the last two years the emigration thither has greatly increased in proportion to what it was a few years back; and that, drawing the fair inference from the past, we may conclude that, for the future, this tide of emigration will continue to roll into the Oregon Territory until we shall have taken possession of it by our own people being permanently located in that country. If I mistake not the feeling and the spirit which has induced emigration to Oregon, it may be fairly attributable to the implied promise which the action of this Government heretofore has held out to this people, that this joint occupancy would, before this time, have ceased, and their title to homesteads have been made secure and established. Go to those people who have emigrated to Oregon, and ask them if they believed, at the time that they abandoned their homes in the western part of our Western States and emigrated to Oregon Territory, that this joint occupancy was to continue from year to year, from time to time, and that they were to be left there without the protection of the laws of their country; that they would be left there with the title to every foot of land on which they have so located themselves uncertain and insufficient. They settle there not temporarily, but they build up for themselves a home in that territory, which we say is ours, but which we fear to declare in such terms as shall authorize that emigrant people, when they plant themselves on any portion of the Oregon Territory, to feel con-

fidence that they are on ground consecrated to American freedom, and which shall never cease to be made prosperous and happy by the prevalence of republican principles. I ask you, if this is not the feeling under which this emigration is carried on to Oregon? Mr. Chairman, let this Congress adjourn without giving the notice—instead of it, proclaim by a joint resolution that it is the opinion of Congress that this joint occupancy shall continue from time to time—that we are not prepared to maintain and assert our unquestionable rights, but that we propose to do it at some future period—then, if I mistake not the spirit of the West, that emigration is at an end. Can you induce a Western man, when we have so much public land, when there are so many inducements held out to him to emigrate where his settlement will be perfectly secure, and where the Government will guarantee to him the title to the land, to abandon all this to go to a country which we have asserted, by a mere declaratory resolution, to be ours, but our rights to which we are not yet prepared to maintain and defend?

But it is said we shall have gone far enough when we have passed our laws extending the jurisdiction of our courts over the Oregon Territory, for the protection of the citizens of the United States who may go to that country. I desire gentlemen to direct their attention, for a single moment, to the effect of the passage of such laws. For one, I am in favor of it. I desire to see the laws of the United States extended over the Oregon Territory, so far as we can do it consistently with our rights—consistently with our treaty stipulations. But how long can such a state of things remain? Great Britain passes her laws, extending her jurisdiction over this territory; you pass your laws extending your jurisdiction; and here is a territory under the operation of two systems of government, as widely separated from each other as the north and south pole. Here are the principles of American freedom, carried and borne along by the officers of the American Government; here are the citizens of the British Government, mingling with our people, who have extended over them the laws of their monarchical or despotic Government, under which they seek protection. Can these different systems—can these laws of different countries, like the citizens of those countries, commingle one with the other, all going on in sweet and pleasant harmony? Can it be so? Must there not be perpetual collisions and difficulties resulting from this simultaneous operation of two different systems of laws? It may be that such a state of things may continue during the twelve months for which your notice is given; but to say that this is asserting our rights, and doing justice to those who have settled in the Oregon Territory in the indulgence of the reasonable expectation that they shall be protected, does not strike my mind as bearing the force of reason or of justice. Mr.

Chairman, it cannot be done. It is impossible that these two systems can continue to operate together for any great length of time. From this I infer that it is the duty of this Government to show that we believe Oregon is ours, and that we are determined to retain it; that it is our duty immediately to place the people of that country under the protection, the sole protection of the laws of the United States.

Mr. Chairman, there is one objection urged, and one perhaps relied on with greater force than any other—one to which our attention has been drawn by the most of those who have discussed this subject on the other side: we are told that, by withholding the giving the notice first, our emigration will go there, and, by that means, that the country will be taken possession of, and our title be quietly settled; and next, that we are not now in a condition to defend our title and maintain our rights. I will ask gentlemen when will this Government be ready? When will this Government be prepared to maintain our just rights in the Oregon Territory? Will gentlemen who follow me in this debate, be so good as to inform the country to what period of time they look forward when the United States will be in a proper condition to defend her national rights in the Oregon Territory? Where is the difficulty? Why are you not prepared to defend the Oregon Territory and your rights in the territory? Is it owing to the condition of your army, or of your navy? So far as your army is concerned, it is a settled principle in the Government, if I understand and appreciate our people aright, that the Government never shall be dependent on a standing army for the protection of the rights of the people. You can never induce, and I trust you will never desire to induce, this Government to create a large standing army in time of peace as preparatory to some future emergency which may require it. The bulwark of the defence of our country lies in the hearts and the spirit of the American people. It is to the citizen-soldier, and not the mercenary hireling, that the American people look for the defence of their rights in an emergency of this kind. Is your navy not prepared? Mr. Chairman, I am not prepared, nor should I detain you if I was prepared, to go into a discussion of the condition and character of our navy. But tell me when we will be better prepared than we are now? Will it be at some future period? Are you prepared at once to make a heavy appropriation for the increase of your navy? Will this Government ever be prepared, in a time of peace, to pursue a policy of this kind? If so, it will differ widely from the history of the past or of Congresses preceding. And those who are most anxious now for the settlement of the Oregon question, and those who are in favor of postponing it to a future period, many of them, will be found on common ground in warfare upon our little navy—that gallant navy which needs no praise from my hands; it is written in the history of the country.

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[Mr. C. here paused for a moment, to inquire how much of his hour was still unexhausted; and having ascertained that he had but about ten minutes more, proceeded as follows:]

Mr. Chairman, I have exhausted more time upon the discussion of these one or two points than I had intended, and I fear I must pass by some others to which I had intended to refer. There was, however, one prominently brought forward in this discussion upon which I must bestow at least a passing thought. It is said by those who advocate it, that this is a peace measure, and by those who oppose it, that it is a war measure. Mr. Chairman, I am not prepared to go to the full extent with some who declare that the inevitable result of the passage of this notice will be to involve this country in a bloody and destructive war. Nor am I prepared, on the other hand, to go with those who fearlessly assert that there is no danger to result from our action in reference to Oregon. I plant myself on this ground, that the course which I propose to pursue is the one called for by the national faith and honor of my country; and I am in the prosecution of what I conceive to be the just rights of my Government, and am endeavoring to carry out the policy best calculated to secure this end. If peace be the result, I shall gladly welcome it. If war be the consequence, we must meet it. It is a crisis not to be avoided, not to be evaded, but to be met with boldness, firmness, and decision. When we have discharged our duties, then, sir, it will be for another department of our Government, and for the Government with whom we are in collision upon this subject, to do what they may conceive to be their duty. If, Mr. Chairman, the result shall be inauspicious—if it shall involve us in war—I will have the consoling reflection left that I have pursued a course of policy dictated by the best interests of my country, as far as I have been enabled to appreciate those interests. That we should suffer from a war, I do not pretend to deny; that we shall lose the Oregon Territory by resorting to war, I utterly but respectfully repudiate the idea. Whenever this Government shall be engaged in a conflict of this kind with the British Government or with any other Government on earth, peace will never be declared upon terms leaving one foot of territory which has ever been consecrated to American freedom and American principles, afterwards to be profaned by monarchical or despotic principles. No; Canada may be acquired; I do not dispute that position of gentlemen who have argued this proposition before the House; but that Oregon will ever be abandoned peacefully, or in the struggle of war, my mind has never been brought to that conclusion, nor will it be. Sir, upon this day, this memorable, glorious 8th of January, let it not be said by American statesmen, in an American Congress, that this Government can be injured, can be deprived, can be weakened in her just and unquestionable rights by a conflict with Great

Britain, or with any other Government. If war come, I venture the prediction that when it terminates we will have the consolation of knowing that not a British flag floats on an American breeze; that not a British subject treads on American soil. There is where war ought to terminate, if come it must; there is where I believe and trust in Heaven it will terminate.

The House adjourned.

SATURDAY, January 10.

Oregon.

The House again resolved itself into Committee of the Whole on the state of the Union (Mr. TIBBARTS, of Kentucky, in the chair) and resumed the consideration of the joint resolution of "Notice to Great Britain to annul and abrogate the convention between Great Britain and the United States, of August 6, 1827, relative to the country on the North-west coast of America westward of the Stony Mountains, commonly called Oregon."

Mr. HUNTER rose and addressed the House as follows:

Let us, Mr. Chairman, examine this question calmly and dispassionately. Let us view this subject under none of the hallucinations of national pride; let us approach it in no boastful or braggart spirit, and with no disposition to use it as the mere means of flattering national vanity. Let us come to it in that higher spirit which conscious strength should inspire—with the feelings of those who are too well satisfied of our title to the respect of the world, and of our ability to hold our own, to believe that it can either be necessary or dignified to deal in extravagant pretension or exaggerated assertion. If there be such a spirit of inquiry in this body to which I may address myself, I would ask, what are to be the consequences if we give the notice? If the notice be given, the best result which can possibly flow from it will be an adjustment of the difficulty by treaty, upon the basis of a boundary on the 49th parallel of latitude. Under existing circumstances, we can expect no better treaty; and it is manifest that we will take nothing worse. It is absurd to suppose that Great Britain will offer to give us more than we have agreed to take. If this matter be amicably adjusted, it is evident, under the existing state of the negotiations, that we get nothing beyond the 49th parallel. Now, Mr. Chairman, such an adjustment, in my opinion, would be far better than the doubtful chances of a war, under the circumstances which at present surround us. But I should certainly prefer the whole country up to 54° 40', if there be means, compatible with the peace and honor of the nation, as I think there are, by which we should probably obtain the whole territory. But how do those gentlemen stand who support this resolution as a peaceful measure and yet

maintain that we can take nothing less than our whole claim on Oregon? If the measure be peaceful, is it not manifest that, by adopting it, they essentially abandon the whole country north of the 49th parallel? If they adopt it as the means of obtaining the whole country, they can only do so upon the supposition that it is to lead to war, and that thus we shall obtain the whole. I shall presently endeavor to ascertain what would be the probable consequences under that conjuncture of circumstances. But here I must pause to say, that I do not mean to disparage or disapprove the proposition made by the Administration to settle the question amicably upon the basis of a boundary along the 49th parallel. Under the circumstances and from the course of previous negotiations, the President could have done no less than to have made such an offer. It was due to public opinion at home and abroad; it was due to our national character, and the great interests of humanity, that he should manifest a desire to do much for an honorable peace. The terms which he offered would have been considered by each party to the dispute as falling short of the full measure of their just claims; but in the more impartial, but perhaps less informed opinion of the residue of the civilized world, they would have been regarded as fair, equitable, and honorable to both countries. He would have done much, too, for the country in thus securing, by peaceful and honorable means, an advanced post for our population up to the 49th parallel. He would have acquired, as far as I have been able to inform myself, much the most valuable portion of the country, both for commercial and agricultural purposes. I know that the chairman of the Committee on Foreign Affairs has expressed a different opinion; but, with great deference and respect for that opinion, I must be allowed to declare my dissent from it. The opposite opinion expressed by Mr. Greenhow, to whose enlightened researches the country is so much indebted, seems to me to be sustained upon better grounds. The harbor of Port Discovery, of which Vancouver speaks in terms so high, and the harbors on Admiralty Inlet, are said to be admirably adapted to the uses of commerce.

As I am informed, they are better not only in natural capacity, but from position, than those higher up on the coast. Of the superior agricultural advantages of the portion of the territory below the 49th parallel I presume there can be no doubt, and I think they are very generally admitted. The President might well suppose that he would effect much in securing the peaceful progress of our infant settlement in Oregon up to the 49th parallel; and this being done, he might safely leave it to time and American enterprise to do the rest. But, Mr. Chairman, let me return to the inquiry into the probable consequences of giving this notice. I have said that the best possible result would be an adjustment of the basis of

a boundary along the 49th parallel; but I have seen nothing as yet to convince me that it was the most probable result. If the Minister from Great Britain refused to consider this proposition when made in the course of an amicable and courteous correspondence, is it very probable that she will be more inclined to accept it when we give the notice under circumstances which imply that she must either agree to our proposition or go to war for the whole country? If the British Minister represented the real views of this Government, is it probable that with their dispositions that Government will be the more inclined to accept our offer on account of the threat which it may suppose to be implied by our giving the notice? If she really designs to go to war, rather than compromise upon the terms we proposed, is there any thing unreasonable in supposing that she might think the present time and circumstances as favorable as any likely to occur for striking the blow? If she really attaches the importance to her whole claim on Oregon which many seem to imagine, and regards a war for it as inevitable, will she not think that the sooner she strikes the blow the better for her? Or if, on the other hand, she is anxious to settle the question amicably, and desires nothing more than terms which may be regarded as honorable by her own people and by the world, will this spirit be conciliated by our giving the notice, and by the circumstances under which it will be given? To sum up the whole, is it not manifest, on the one hand, that if this step should lead to war, we give to Great Britain, instead of reserving it to ourselves, the advantage of choosing her own time for it? If, on the other hand, this be designed as a peace measure, is it not more likely to defeat than to encourage a renewal of negotiations in a sensitive and high-spirited people? Such seems to me to be its probable tendencies; and unless Great Britain should think this disputed territory to be of little value to her, however important it might be to us, and unless she entertains a strong desire for peace, I can see no other result to flow from this notice so probable as that of war. One thing is perfectly clear: this measure must either lead to a settlement on the basis of a boundary along the 49th parallel, or it must produce war. Our Western friends say that they will be content with nothing less than the whole extent of our claim; and if this be so, is not war inevitable under present circumstances? If war is to be the mode of settling this question at last, it would seem to me that it would be far wiser to preserve the present state of affairs, that we may be able to choose our own time for fighting, and select a period when we were better prepared for the contest, and when the attendant circumstances might be more propitious. Let us look, Mr. Chairman, into the circumstances under which this war would now be waged, and ascertain, if we can, its probable consequences. Have we made any of the mili-

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tary preparations necessary for such an event? Would one, or even two years, suffice for the preparation proper for such a contest? If war be inevitable, is not our internal condition such as to make delay desirable? The whole country is just recovering from a deep financial depression. Many of the States are either unable, or barely able to pay their own debts. They are not in a condition to bear the weight of internal taxation, which must be one of the main resources of the war. A few years hence a different and more favorable state of things might be fairly expected. What, let me ask, would be our position in the public opinion of the world? We break off the negotiation because our proposition was not accepted, and we give the notice under circumstances which proclaim that there must be war, unless she will settle the question upon our own terms. She has offered us a mode of settling this dispute, now universally regarded amongst civilized nations as a fair and honorable method of adjusting national controversies—I mean arbitration. This we have already refused; nor do I disapprove of that refusal, under the circumstances then existing. She will probably offer it again, and we shall again refuse it. I do not stand here, Mr. Chairman, as the advocate of arbitration; upon that question I have nothing to say at present; I am merely dealing in facts, with a view to the consequences. We shall again refuse arbitration, Mr. Chairman, and why? Because we say there are none of the nations of the world whose Governments are honest and impartial enough to decide this controversy between us.

This may all be so; but will a refusal of arbitration for such reasons be likely to win us much of the sympathy of the world? Under these circumstances, am I wrong in supposing that the world will be apt to regard us as the aggressor? The public opinion of Christendom would be thus defied at the time when Great Britain has a better understanding with the continental states of Europe than she has ever enjoyed at any previous period of her history, so far as I am acquainted with it. The "cordial understanding" between herself and France, her ancient enemy and our former ally, is notorious throughout the world. Under these circumstances, what chance should we have for either sympathy or assistance from any of these powers in the event of a war? But this is not the whole view of the existing state of our foreign relations, and its connection with our prospects in a war. If we have a war with Great Britain about this time, shall we not probably have Mexico also on our hands? It is known that she is sore under recent occurrences, and it is equally notorious that she is much under British influence. We should probably have a war, not only for Oregon, but for Texas also. The Indian tribes beyond the Rocky Mountains are known to be under the influence of the Hudson Bay Company, and it is probable that most of the Western Indians

would take sides with Great Britain in the event of a war between her and this country. Under these circumstances, what would become of Oregon, and of our infant settlements on the Columbia? I believe it is the opinion of our best military authorities—and, indeed, the very general opinion,—that, during the war, Oregon itself must be abandoned, and that we should have to strike in Canada, and upon the seas. And yet gentlemen coolly demand war, or what will lead to war, as a duty which we owe our people in Oregon, when it is manifest that the very first step of that war would be to abandon them unprotected to British troops, to the Hudson Bay Company, and their savage allies—to a war, unless they at once made terms for themselves, as likely to be signalized by all the circumstances of barbaric atrocity as any of which we have an account. Those unfortunate people might well ask the chairman of Foreign Affairs if this be what he calls "backing of his friends"? In such a contest is it not probable that Oregon would be lost only to be recovered, if ever, by another war, to be undertaken at a more auspicious period? If this struggle were now to be commenced I do not believe that there would even be an effort made to send troops to Oregon. It would be regarded as a waste of men and means at a time when, with Mexico to the south-west, with the Indian tribes on our western frontier, with British and Canadian troops on our north, and with British fleets covering the eastern and southern line of our coast, we should be encircled as with a wall of fire. I doubt not but that we should emerge from it victorious. It is not on the soil which we occupy that we can be conquered, or even be worsted. I have full faith in American spirit and patriotism. But I do not believe we should pass unscathed through that fiery trial; nor ought we to task too highly those great qualities of our people by exposing them to unnecessary difficulties, as we should do if we engage in a war before we are prepared for it, or if we make war to attain what might be had far more certainly and honorably by peaceful means. That we should come out of such a contest with honor, I do not doubt; but that we should lose as much or more of Oregon than would be given up by any treaty likely to be made, I regard as also probable. If war be the only mode of maintaining our rights in Oregon, that war ought to be deferred, as it is manifest that our chances for success must increase with every year of delay. But if there be peaceful and honorable means (as I shall endeavor to show hereafter) which would more probably give us the whole territory, we owe it to ourselves and to the world to adopt them.

But gentlemen have promised that if war be once commenced with Great Britain, we shall terminate it by driving her from this continent, and depriving her of all that she claims or possesses upon it. I do not stand here, Mr. Chairman, to take issue with that proposition; I

mean neither to affirm nor deny it. I will not even ask if our "old men see visions and our young men dream dreams." I will suppose the anticipation to be true; and I shall endeavor to trace such a war as this would be to its consequences, to see if the chance or the certainty of acquiring Oregon a few years sooner, would compensate us for them.

Mr. Chairman, I know of no instance in which a nation pretending to independence, and the equality supposed to result from it, has yielded up the whole subject of dispute which had led to the war. There is, it is true, more than one shining instance in which a nation has conquered its independence without impairing the position of equality of its opponent. There are instances, too, in which a conquered people have yielded all. But I know of no treaty in modern times, between equals, in which one of the parties, after a war, has given up the whole subject in controversy without an equivalent. There may be such instances, but I do not remember one, even in the most successful period of the career of Napoleon. Neither Marengo nor Austerlitz ever gave him such results in his treaties with Austria. Of all the European nations, Great Britain is the most distinguished for the pertinacity with which she has hitherto struggled for her rights and her honor. Now, Mr. Chairman, is there a man amongst us who supposes—does the wildest dreamer of us all believe—that she would ever close a war by yielding not only the whole subject in dispute, but her own undoubted territory until she had first waged it, and been defeated in it, as a war not only of mastery, but of existence? Would her sagacious statesmen be slow to perceive that any treaty which branded her with the visible stamp of inferiority after a war, would be the sure precursor of her downfall? She knows that the hungry and expectant eye of continental Europe is fixed upon the prey which a division of her mighty empire would afford. She is aware, too, that the calculation has already been made as to how far the invention of steam has destroyed the security of her natural defences—of her insular position. She no longer feels able to continue the proud boast that "Britannia needs no bulwarks, no towers along the steep;" for she is now engaged in constructing coast defences. She must feel that the whole charm of her power lies in the idea of her invincibility on the seas and in her colonial possessions. To destroy by her one act this idea, would be to hold forth the signal for the eagles to gather to the banquet, and would involve the loss of power, empire, and character itself. Can I be mistaken in supposing that a war which brought her to such a conclusion, would probably be the longest and bloodiest ever known in the annals of mankind? Gentlemen have promised that this thing shall be done. I do not stand here to dispute it. In the event of a war, I wish that they may be able to make good their words. But before this can be accomplished, we must

track the British lion in his blood from the rising to the setting sun. We must hunt him from stronghold to stronghold, until we have pursued him throughout the circumference of the globe. Every sea, every clime must become familiar with the noise of the terrific strife. Far distant people, nations to whom as yet we are scarcely known, must be startled at the apparition of this new power which is to struggle with Great Britain for the mastery in places where she had long reigned the most supreme. From Aden to the Ionian isles we must pursue her over wave and through fortress, on one continuous line of blood and fire, until we have swept her flag from the seas, and buried her fleets in the ocean. We must throw down her places of strength; we must despoil even her gardens of "pleasance." Yes, sir; to this dreadful extremity must we bring her, before she can agree to conclude the contest upon terms which would destroy her most cherished sentiment of national pride, and probably lead to the destruction of the mightiest empire which, as yet, the world has known.

If we are to obtain what gentlemen have promised us, such must be the war which we are to wage. What, Mr. Chairman, must be the consequences of such a war upon ourselves and our institutions? Who can foresee these consequences in all their extent, or undertake to measure the results? How great would be the danger of a centralization of all power in the Federal Government, and of an obliteration of the lines of State authority? How many hundreds of millions of debt should we entail on ourselves and our posterity? How far should we fall into the lower depths of the paper system? To how distant a day in the Greek calends should we postpone those great democratic reforms which we had fondly hoped we were about to introduce, and for which we have labored so long and often with such doubtful success? We should go into the war a free, happy, and moral people. Who can undertake to foretell the extent and nature of the transformations which we may undergo before we come out of it, or who can measure the waste of all the elements of human happiness and social order which such a war would occasion? Should we be justified in the eyes of God, or of mankind, for thus perilling the great interests of our country and of humanity for the sake of obtaining possession of Oregon a few years earlier, when we are sure of acquiring it a little later by honorable and peaceful means? Could we be justified in exposing the country to such extremity if there be even a probable chance of acquiring the territory by means not only peaceful but compatible with our honor? Or if war, and such a war, be inevitable, ought we not to postpone it until we have more men, more means, more resources, and more auspicious circumstances for its commencement? But, Mr. Chairman, it may be said that in my view of the probable consequences of such a

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war as that must be which should lead to such a conclusion as is promised, I have virtually admitted that the republican system of policy is practicable only in time of peace. Such is not my opinion. We have not had time as yet to introduce or mature our system. The ideas upon which they rest are not fully possessed by the public mind. They require time and a period of peace for their full development. But if once matured and developed, I believe they would enable our Government and people to stand the shock and pressure of war with far greater ease and buoyancy than under any other course of policy. I, for one, am of the opinion that if we were now to plunge into war we should fall into some of the worst forms of the paper system, owing to the remains of what I believe to be a wrong idea once implanted in the public mind; and yet I believe that the expenses of a war could be far better sustained without these abuses of that system than with them. I have long thought that we suffered almost as much in the last war from such abuses as from the British troops. But, Mr. Chairman, I have yet another answer. The genius of our institutions is pacific—they were not organized for distant and offensive warfare. For defensive war I believe they are the strongest in the world, for they bring to its aid the united hearts of our people. We were not organized for a career of war and conquest, and I thank God for it; for then we should have required a far more despotic form of government, and we might have stood as fair a chance as any to become the curse of mankind, instead of being their benefactors, as I maintain we have been by the example of our institutions and our progress. We have always been proud to believe that ours was a higher and more glorious destiny; we have believed it to be our destiny to achieve our triumphs in the useful arts of peace, to subdue the difficulties and master the secrets of nature, to adorn and cultivate the earth, to introduce a new and a higher civilization, to develop better forms of social and political organization, and to minister to the progress and the universal peace and happiness of mankind by the beneficent example of a free and happy people, who were wealthy without rapine, strong without crime, great without war, and peaceful without fear. Towards these great and beneficent ends we have already done much; and in doing it we have won more true glory than if, like Tamerlane, we had left pyramids of human heads as the monuments of victory, or like Attila or Alaric, the scourge of God and the pest of nations, ravaged and desolated the earth in the storm of our warfare. Our thousands of miles of railroads and canals which have thrown down the barriers of nature to the affiliation of our people, and to the common and kindly interchange of so much that ministers to the happiness of man, are far nobler monuments to the genius of a people than the column of Trajan or the palace of Blenheim. These are

the monuments which are worthy our name and our destiny.

But, Mr. Chairman, I return to the inquiry which I was pursuing. I have endeavored to give gentlemen the advantage of their own suppositions; and in whatever way I have turned the tapestry for them, the picture has seemed to be forbidding. But most so in that aspect which gave us the picture of war waged to such extremities as some gentlemen have promised. But is there a real probability that the war would be waged to such extremities by two nations whose powers of mutual annoyance are so great, and whose capacities for mutual benefit are so large? Is it not likely that both nations would tire of a contest so destructive and bloody, and agree to terminate it by an arbitration which, in the universal opinion of the civilized world, is considered a fair and honorable mode of adjusting national differences? Sir, I believe that if there should be war, it will most probably terminate in an arbitration; and thus we should have an arbitration and war, when we might have had an arbitration without a war. Could any man hesitate between such alternatives? But gentlemen here are against an arbitration. I myself wish to avoid it; and I believe this may easily be done by means which most probably would secure us the whole territory in peace and honor. Let us refuse to give the notice; leave the negotiations to stand where they are; for we have now done all that it becomes us to do in the line of negotiation. We have offered a compromise upon liberal terms, which has been refused, and we have manifested a proper desire for peace. Let us now rely upon our superior means of colonization. Great Britain has elected to leave the ultimate possession of the territory to depend on our relative capacities for settling it. In this contest, the advantages are on our side, and it must end in putting us in possession of all that we claim. We thus avoid the chance of losing the territory altogether. There are gentlemen, I know, who are disposed to smile at this; but let me remind them that, in comparing ourselves with Great Britain, they must remember that there are some theatres where we are her superior, there are others where we are her equal, and there are others, again, upon which peculiar and sometimes transient circumstances give her the superiority. In a war for Oregon, at this time, she possesses superior advantages in her long-established and sedulously cultivated influence over the Indian tribes, in the command of the forces of the Hudson Bay Company which are at hand, and in the facility with which she could transport troops from her various stations on the Pacific. But if we wait a few years, the balance of power must change. Circumstances will cast it on our side as they now do on hers; and in a contest—if contest there must be for Oregon—we shall be found the stronger party in that territory. But it has been said that, if we refuse to give this notice,

we shall violate our national honor. How! Has our sensibility on this point been just now awakened? From 1818 to this day we have never felt this joint occupation to be a stain upon our national honor. Has it ever been pretended until recently that it was a disgrace to continue the convention? Is there any thing dishonorable in adjourning a dispute, without the least surrender of our rights, and upon terms which give us every chance of acquiring peaceably all that we claim? The other party, with her eyes open, has insisted upon placing the determination of the controversy upon this issue, in which the advantages are all on one side. Is it not a wiser as well as a more moderate mode of disposing of the matter to abide by these terms? Let things remain then, as they are, and let us pass such measures as may encourage our settlements in the disputed territory without contravening any treaty stipulations. Thousands, or even hundreds of hands, expended in judicious measures for colonization would do far more for our ultimate possession of the territory, and be far better appropriated, than millions lavished on the uncertainties of an unnecessary war. I put, sir, to considerate western men—to those who desire Oregon more than war—if such a course of policy be not the wisest which we can pursue with reference even to the single end of acquiring the territory which they so much desire. I know that the gentleman from Indiana (Mr. OWEN) has said that the Hudson Bay Company would interpose obstacles to our settlement north of the Columbia River, by buying out those of our citizens who attempted to plant themselves on that side. He has mentioned one case in which he has known that to be done. Possibly there may have been more; but is not that distinguished gentleman too well aware of the great laws of trade to suppose that they would long keep up that game? Besides, this is a game at which more than one might play. Does he, or any other man, believe that if our settlements are once firmly planted south of the Columbia, the crack of our American rifles, and the sound of the axe of our Western pioneer, will not, in due time, be heard not only north of that river, but north of the 49th parallel?

But it is said that England will not allow this, and that if this course of policy be attempted, she will ere long give notice herself, and declare war upon us. Let her if she chooses; let her if she dares. She then would become the aggressor, and in such a war we should be sustained not only by our own conviction of right, but by the general sympathies of mankind. It would unite our people instantly and effectually; and with one heart and with one mind, they would rally to the rescue of national rights and national honor with all the advantages of previous preparation and with the spirit which has heretofore distinguished them. But is it probable that she would do this? Is she in a position to do it with her own expressed views of the grounds

of her title? She claims a right to joint occupation in Oregon under the convention made in 1818, and indefinitely continued in 1827. While this convention continues, she enjoys the joint occupancy by a title to which we assent. Suppose she were to put an end to this convention, she would but revert to our title under that of Nootka Sound by which she herself claims only a right of joint occupancy and under which her own commissioners have disclaimed a title to exclusive sovereignty in any portion of the territory. If she were to give the notice to terminate our convention, under these circumstances she would stand in the attitude of abandoning a right which she held by a title to which we assented, to claim it again by another which we refused to acknowledge. She would thus place herself before the world as seeking war for war's sake, and assume the position of an unprovoked and wanton aggressor. In this attitude of affairs, how could she hold up her head in the face of Christendom, or invoke the blessings of the God of battles in a contest which she had so insolently and wantonly provoked? But could she have any adequate motive for so wanton an outrage? She can have no interest in the permanent possession of this north-west coast. She finds far more eligible sites of colonization in New Holland, New Zealand, the Cape of Good Hope, and in the Canadas. These colonies would contribute to the consolidation and strength of her empire. They lie, too, in the pathway of her commerce. She has here territory enough to absorb all her immediate and prospective means of colonization for a century, perhaps for centuries to come. It may be important to her to hold there for a time certain subordinate rights of occupation short of the sovereignty of the country in Oregon. But of what use can it be to her to settle her citizens on the north Pacific coast? It is not in the pathway of her commerce, although it is invaluable to us for ours. She has no back country to supply through the little strip of settlement which she might attempt upon the coast; but we have, and its products seek an outlet by our commerce on the western ocean. But grant that she desires it ever so much; must she not know perfectly well that the thing is hopeless? She may desire it as the means of keeping us out, but with what probability of success? The mighty wave of our population is yearly advancing westward at the rate of half a degree of longitude on a line of more than three hundred leagues. Could she expect her feeble settlements on the western coast to resist the vast, increasing, and resistless pressure, when, with the mighty weight of our population from the Atlantic to the Rocky Mountains, this wave shall pour down the Pacific slope? Her statesmen are too wise to expect it; and it is not likely that, for the sake of the little advantage which she might have in that quarter, she would expose herself to the constant hazard of a war with us. Our mutual means of annoy-



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ance are too great; our mutual interests in a reciprocal commerce are too vast for her to be willing to risk the consequences of a war for an object so petty to her, however important it might be to us.

Mr. Chairman, I again appeal to all candid and reflecting men from the West—to those who go for Oregon and the whole of Oregon—to those who might desire war for Oregon, but who do not desire Oregon for war—I appeal to these men to say if the course of policy which would lead to such a consummation as I have described, be not the proper line to be pursued? If we would see this prospect realized certainly, though gradually, we must let this controversy remain as it is. Let us not renew the negotiation; make no more offers to Great Britain; but let us trust to the process of colonization now so rapidly in progress, and we shall quietly, peaceably, and certainly, obtain the whole of what we claim. I care not how glorious the war may be, it would be better to avoid it; for it is in this way alone that we may reasonably hope to obtain what gentlemen so ardently desire—"the whole of Oregon." Let things remain as they are. It would seem to be impossible that Great Britain should put an end to the joint occupancy as long as she rests her title on the Nootka Sound convention, under which she claims joint occupancy, and nothing more. In the mean time, let us go on and fill the country; let us pass such measures as without violating the treaty would contribute to that end; and then if we should find it necessary ultimately to go to war, we can choose our own time for doing it.

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Without proceeding further in the call of the States (a motion therefor having been submitted by Mr. DANIEL, and agreed to,) the House again resolved itself into Committee of the Whole on the state of the Union, Mr. TRIMBURY in the chair, and resumed the consideration of the joint resolution heretofore reported from the Committee on Foreign Affairs, for giving twelve months' notice to Great Britain of the termination of the convention of the 6th of August, 1827, respecting the territory of Oregon.

Mr. TOOMBS was entitled to the floor, and addressed the committee during the allotted hour.

He said that he had listened with attention and interest to the progress of the debate; for, intending to record his opinion on the subject, he had endeavored to get a knowledge of it from all accessible sources. There were but two questions which presented themselves for consideration: First, what were our rights in Oregon? And, second, was it expedient now to assert, or rather to begin to assert them, by terminating the convention of 1818? All the

other questions which had been presented were merely incidental and subordinate, although such great importance had been attempted to be given them during the course of the present discussion. They were all secondary, and should be so treated.

[After a sketch of the grounds of our title, Mr. T. proceeded:]

But what were the reasons in favor of giving this notice? Instead of giving these, he might indeed content himself with asking for reasons why it should not be given. The burden of proof was not on those who were in favor of its being terminated, but on those who wished it continued, because the laws of every country in the world ought of right to extend to the utmost limits of the country. Reasons which did not exist in 1824 did now exist. Our people had gone into Oregon; they were now there; they were American citizens, and as such were entitled to the protection of the laws of the United States.

The first reason Mr. T. would state was, that he wanted to know where and what our country was, how far it extended, and what was its boundary? He wanted to know where to put the god Terminus, of whom something had been heard in this debate. A gentleman had said that the Roman god Terminus had no feet; if so, the American god was very different from him, for he had not only feet, but legs, and very long ones; and, being democratic, of course he acted up to his character in being a progressive god. [A laugh.] Now, a locomotive deity of this kind might chance to set his feet on some territory which would get us into great trouble. Our people were constantly moving forward, and causing him to take possession of new soil. They had now got him as far as Oregon; they were settling fast in that territory, and were justly entitled to the enjoyment and protection of our laws.

This influx of our citizens into the Territory of Oregon, which Mr. T. employed as an argument why the notice should be given, had been urged by gentlemen on the other side as the best of reasons why it should not be given, because it would of itself secure to us the possession of the country without giving any notice. This was the turning point in the case. Mr. T. insisted that, by this flocking of our people into Oregon, we should acquire in point of title only, an increase of the difficulty; for a question would soon arise as to how far Congress might dispossess American citizens, and transfer them to the jurisdiction of another Government; therefore, he said, let the question be settled now. He urged that the notice should be immediately given for peace's sake.

The gentleman from South Carolina (Mr. RHETT) had told the House that we should not get it by giving notice; but Mr. T. believed, on the other hand, that it was the only way in which we could get it. We never should obtain possession of Oregon by refusing it. The advancing wave of our enterprising population

pouring over the mountains and filling Oregon, might, indeed, give us power, but it gave us no rights, and would multiply our difficulties. The rapid settlement of the country was the very reason why notice should be given. Let our people know what they had to calculate upon. Let them understand where they were going to settle—whether in the United States, or out of them. Rapidly as they were now entering the territory, he believed they would emigrate in much larger numbers if they knew that when they got there they could enjoy the quiet and stable possession of their new homes. They came with the purpose of permanent settlement; they wanted to build houses, to bring their flocks and herds, to enclose and cultivate their farms, and to perform all the acts and enjoy all the privileges of owners of the soil. But they could not do this so long as the very soil on which they built might the next year be surrendered to a foreign Government. It was of primary importance that the boundaries of the territory should be settled as soon as possible.

The President had given to the House the most abundant reasons why the contemplated notice should be given. He told the House, in the first place, that the negotiation had failed. In this, however, Mr. T. did not agree with him. The President seemed certain that no proposition would probably be offered us which we ought to accept. Of this Mr. T. was satisfied, that none would be offered which the President would accept. But that was a matter not in the power of the House, but of the Executive. But, after such an assurance from the official organ of the Government for conducting our foreign relations, it was time to put an end to the existing convention. Should such notice be given, it would be no reason against any mode of settling the difficulty. Mr. T. considered every honorable mode of settlement as still open to us, and he would put the whole matter in the President's hands. When negotiation should have failed, it would not exclude any other mode of proceeding, not even the proposition of the gentleman from Massachusetts itself. It gave the President power for good, but none for evil. Mr. T. did not, for one, believe that the argument was exhausted, and that we must stand to our arms. That was not his position. He proposed a peaceful measure, and one that was in strict conformity with the constitution.

How, then, could the advocates of the notice be charged with loving and seeking a war? War, he believed, was not desired by any; he viewed it as the greatest and the most horrible of all calamities. Even a war for liberty itself was rarely compensated by the consequences. Yet the common judgment of mankind consigned to lasting infamy the people who would surrender their rights and freedom for the sake of a dishonorable peace. In this matter, however, the question of peace or war did not weigh a feather; it had nothing to do with it;

and therefore he entreated gentlemen not to suffer it to weigh upon their minds in coming to a decision on the subject before them.

In conclusion, Mr. T. observed that he had thus given, with all candor and frankness, and as succinctly as he was able, the reasons that would actuate him in the conclusion he should adopt. He would say, however, while he left to others the inflated eulogiums and the bitter denunciations to which it had been his task to listen, that it was due to candor to admit that, although he thought that such denunciations were out of place here, he felt, at the same time, that they had their response within him. Though the feeling was one which he could not approve, yet it was an American feeling, and one but too natural under the circumstances. The pent-up recollections of the wrongs perpetrated by that great and haughty power upon the human race would find some outlet in words. That human dust which had so long been trampled upon in the form of subject millions defrauded of rights, of freedom, of property, of life itself, had at length found a human voice: it had elevated itself on this continent to the possession of both property and power; it had achieved the victory of equality, and its ancient wrongs were not forgotten. And the remembrance had constantly produced a secret struggling desire, felt not only in this Hall, but all over the country, to hurl back defiance and menace against our ancient enemy.

Meanwhile Georgia wanted peace; but she would not for peace's sake yield either her own or the nation's rights. A new career of prosperity was now before her; new prospects bright and fair, opened to her vision, and lay ready for her grasp; and she fully appreciated her position. She had at length begun to avail herself of its advantages by forming a great communicating line between the Atlantic and the West. She was embarking in enterprises of internal improvement, and was beginning to provide manufactories for the employment of her underpaid laborer. She saw nothing but prosperity ahead, and peace was necessary in order to realize it; but still, if war must come—if it had been decreed of Heaven that Oregon must be consecrated to liberty in the blood of the brave and the sufferings of the free—Georgia would be found ready with her share of the offering; and, whatever might be her sacrifices, she would display a magnanimity great as the occasion and prolonged as the conflict.

Mr. HAMLIN addressed the committee during the allotted hour. He came to the consideration of the question now presented to them, he trusted, with a full understanding of its momentous importance, and of the magnitude of the interests that were committed to their hands to be affected for weal or for woe by the right or the wrong decision of this question. The eyes of twenty millions of people were watching their action here, and the hearts of twenty millions of freemen were beating with anxiety as to the action at which they were

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anally to arrive; and it had been well said by the venerable gentleman from Massachusetts, (Mr. Adams,) that for years that were past there had not been, and for years to come there would not be, a question submitted to the American Congress equal in its moment, equal in its importance.

Mr. H. now advanced to a more direct discussion of the question immediately before them; and he first asked the attention of the House to the duty which they as guardians of the public weal owed to themselves and to their common country. He called their attention to the duty which, as a component part of this Government, they owed to its citizens wherever they may be found. If there was a single duty which rises over, above, and beyond all others, it was that of the American Republic to afford protection to the American citizen wherever he may be found upon the American soil. It was one of the highest duties incident to the charge committed to their hands; wherever our national flag floats upon the breeze, it should be a certain index of ample protection to the American citizen in all his rights of person and of property. Why is it true (asked Mr. H.) that, in the nineteenth century, under this Government, which we believe to be the best the world has ever seen—is it true that the cry, "I am an American citizen," shall not be as sure a safeguard, and a pledge of protection, as the cry, "I am a Roman citizen," was in the palmy days of Rome? It was said by an ancient philosopher that the Government which feels most sensibly, and which redresses most promptly, every injury visited by a foreign power upon its most humble citizen, but discharged the duties incumbent upon it. And is it not truly so? What, in a greater degree than the strict discharge of its duty to its citizens, will call forth their affections and their loyalty, and will draw them forth to protect the institutions and defend the standard of their common country in the hour of their country's peril? The citizen who realizes the full assurance that his rights will always be defended with a sleepless vigilance, will, in his turn, ever be ready to discharge with promptness and fidelity all the duties that country may require of him.

How, then, is our Government to extend that protection and that aid which are required from it to its citizens—to those wanderers to the distant portion of its territory westward of the Rocky Mountains? Sir, those citizens have been wrested from American soil to be tried for alleged offences by foreign laws. They have been dragged from their peaceful homes—from their own domestic firesides—and have been tried and held amenable to the laws of British provinces; and here, in the nineteenth century, from this stale clamor of war ringing in our ears, are we to stop and fold our arms about us, and say, "We will pause a while before we give this notice—we may rouse the lion in his lair—England, with her chain of military

posts around the world, may be aroused—and we do not precisely foresee what will be the consequences"? No; the notice should be given now, and protection to American citizens should be extended wherever they are found on American soil; and then that flag that had been borne aloft in triumph in the battle and in the breeze, upon the ocean and upon the lakes, the emblem of protection to each and to every of our citizens, will float forever over the homes of a free and happy people. That flag which now

"So proudly drinks the morning light  
O'er ocean's wave in foreign clime,  
A symbol of our might."

This faithful discharge of governmental duties will be one of the strongest arguments in favor of the advancement of the principles of our own free Government. The feeling of every citizen that protection in person and property is secured to him by the laws and by the flag of his country, will serve more surely than aught else to extend and widen our broad domain. Let it be done, and our Government will pursue its onward course by its moral power, until it shall extend from the Isthmus of Darien to the frozen regions of the North—from the rough, rock-bound coast of the Atlantic, back to the gentle murmurs of the Pacific. Then, in the inimitable language of our own distinguished poet—

"Wide shall our own free race increase,  
And wide extend the elastic chain  
That binds in everlasting peace  
State after State—a mighty train."

Mr. H. next proceeded to the consideration of this question in a commercial point of view. Oregon was ours; it belongs to us; and the question of title he had no disposition here to examine. It had been thoroughly, ably examined by those who are in authority, and the result has been presented to the American Republic. He had no disposition to go into that examination. He should be well satisfied to rest himself on him who at least might be considered the Achilles of this question, in the position that our title was better than that of England. It was more: it was a perfect title. This being our territory, then, by laws and rules established by Great Britain herself, let them examine carefully into its importance in a commercial point of view. They were told on another occasion within these walls, that it was necessary to extend our public domain in the south-west for the purpose of securing to our country a monopoly of the cotton-growing interest; and the argument was as broad as our Union; it came home to the feelings, to the interests, and to the principles of action of the Representatives from every section of our country. Let them now weigh by the same rules—the rules established on that occasion—the commercial considerations involved in this question. The Northern and the Middle States are essentially manufacturing States—the Northern States particularly; they are situ-

ated in a high latitude, under a forbidding climate, and yet they have the industry of their citizens, the water-power, and the facilities given them by nature to render them a manufacturing people. The South—the “sunny South”—may grow the staple produce of that country; and the West may be the granary not only for our own country, but, give it an outlet, the granary of the world. Then, he said, in a commercial point of view, this matter came home to the feelings and the interests of every citizen of every section of our widely extended country. The North must necessarily be the manufacturing section of this Union; let them have an outlet; let there be an easy mode of transportation and communication to the far West, and we would become the manufacturers almost of the world. The Northern and the Middle States must be that portion of our Union, which will supply not only India but China, and all the Eastern portions of the world, with their manufactured articles. But he stopped not here. The matter came home equally to the interests of the South, because for the supply of those manufactured articles the South would be called upon for their staple, for increased production of that staple, which in its manufactured form is thus destined to find its way to the markets of the East. It was a question in which the West had no right to assume a particular interest. It was a question which came home equally to the North, the South, the East, and the West. It was a great national question, co-extensive with our Union. Why, we were already opening our markets in the East; we have already established our treaty stipulations with China; we have already sent our cotton and manufactured goods into the Eastern Empire. Last year more than six millions of American manufactures were sent to the Eastern continent, and of that amount more than four millions of dollars is believed to have been of cotton goods. We have opened the Chinese market, and in opening that market, with the advance which commerce will give in that distant portion of the globe to civilization, to refinement, and to Christianity, we have opened a market which will call for untold millions of the manufactured articles of the Northern and Middle States—manufactured from this staple of the South. Beside, the commerce of the North was deeply interested in her whaling-ships. That ocean is now covered with nearly seven hundred ships, and half a hundred smaller vessels, manned by more than 20,000 of our citizens, and sending home as the fruits of their labor more than three millions of oil annually.

Mr. H. proceeded to enlarge upon the value and extent of the commerce which would grow up between the East Indies and our Pacific country, if we had possession of Oregon. The trade between the United States and the East Indies was already very important. But it would be vastly increased when we should find a route for that trade overland to the Pacific

and across that ocean to India. Wherever commerce went, there the lights of civilization and Christianity would soon be found. Wherever the people of the East have become enlightened by commercial intercourse with us, she would consume a vast quantity of our products, while they would supply us liberally with theirs. Who could tell what uncounted millions of manufactured goods from the United States would be marketed in the East Indies! Commerce was therefore deeply interested in preserving the integrity of our domain. He would gladly pursue this subject further if time was allowed, and show that this question was one that concerned the commerce of the whole country, and that the whole people of the United States were interested in it. But he was limited in time, and he could not pursue the subject in all its details.

He was in favor of giving this notice, as he had already declared. He was in favor of giving it now. For this course he would give reasons. First, he trusted that by giving the notice, the danger of delay and of obstruction in our councils would be obviated. The gentleman who had immediately preceded him in the debate (Mr. TOOMBS) preferred the amendment of the gentleman from Alabama, (Mr. HILLIARD,) which left it discretionary with the President to give the notice at such time as he might see fit. That would lead to serious difficulties. He would say that this proposition came with no good design, so far as he could judge of it, though he had no doubt of the honorable motives of the gentleman who offered it. It would change the issue which ought to be made. Instead of inquiring whether we would act and act now, we would, by this course, give a discretionary power to the Executive to act or not, and either now or at a later period. Some would think that the President had acted too soon if he acted now. Others would think that he had acted too late if he postponed it. It would give an opportunity to many to shelter themselves from responsibility, and to reproach the President with having acted out of time. The true question was, whether we should give the notice now? Should we assume the responsibility of action, or throw it upon the President? That was an important question. Why should not we take upon ourselves the responsibility of action in the matter?

Many gentlemen wished to shift the responsibility off from themselves; and then, if the President should act promptly, they would say he was rash, imprudent, hasty; and if he waited for a while, they would say that he had let slip the golden moment. Why, if the subject had been referred to us, and if the power belonged to us, should we not exercise the power, and give the notice at once? If there was any advantage in giving the notice at all, it was proper to give it at the earliest moment without loss of time. If we did not give it now, in what position should we be left? The whole

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subject would be suffered to take its chance, without an effort on our part to maintain our rights. He knew that it had been recommended to us to adopt "a wise and masterly inactivity"—that was, to do nothing. He would rather call it masterly duplicity, or masterly dishonesty, to take measures, in an indirect way, to get possession of the country, without suffering our object to be known. How long did gentlemen wish to carry on this masterly duplicity? Some of them had fixed a limit to it of twenty years. Sir, (said Mr. H.), I have a single idea on that point. We had told our people that they might occupy that country. Were they to be thus encouraged to go there and settle, and yet not be entitled to our protection? If you do not take them under your wing, can you expect to retain their affection? No: they would be faithless to themselves if they gave you any confidence or affection after such treatment. As well might a mother expect the love of her children whom she repelled from her bosom, and cast out into the world without protection. It would be a most unnatural mother that would cast off her children, as we would do were we not to give this notice. Should we acquire a colony by this course of masterly dishonesty, it would make us the reproach of all nations. There was one thing in the British Government that he admired, much as he despised all the vaunting about her power, and greatness, and glory. He admired it for one special quality—its care of its subjects. It gave protection to its subjects all over the world. Wherever the subject of England might be, he was covered with the protection of British laws and British power. This, in his opinion, was an example worthy of imitation.

He would go a step further than the notice, and extend the protection of our laws over our citizens in Oregon. If we did not, we should fall short of our duty. After doing this, he would go still further, and create those bands of iron which were to bind indissolubly together in one union the people of the Atlantic and the people of the Pacific. He would go for a railroad across the Rocky Mountains—for annihilating time and space between us and the inhabitants of the Pacific coast. In a military point of view, this railroad would be necessary. We should be obliged, for the protection and defence of the country, to establish this mode of communication. While it would afford military protection for the defence of the country, it would be the means of creating a vast trade between the eastern and western portions of the continent. The immediate consequence of such a trade would be to open a traffic in our manufactures with the people of the East Indies; next, we should be able to drive out all competition on the part of the British fabrics in that lucrative and important trade. We would, by means of this overland communication, be soon able to create immense commercial depôts on the coast of the Pacific. We

could make voyages to the East Indies in half the time that Great Britain could. Our manufactures would thus compete in that important and increasing market, with those of Great Britain, and, indeed, drive out all competition; and thus they would become established on a firm foundation, without the aid of a black tariff to maintain them. He had always opposed internal improvements by the General Government; but he would adopt this improvement as a military work—one necessary for the public defence, though it would be used for civil and commercial purposes. Should the United States delay to do their duty to their citizens in Oregon, the British Government would avail themselves of the delay to take measures for securing the territory to her subjects.

IN SENATE.

WEDNESDAY, JANUARY 14.

*Interference of European Nations with American States.*

Mr. ALLEN asked leave to introduce the Joint Resolution of which he gave notice yesterday, declaratory of the principle by which the United States will be governed in regard to the interposition of the powers of Europe in the political affairs of the independent nations of America.

The resolution was then read, as follows:

JOINT RESOLUTION declaratory of the principles by which the Government of the United States will be governed in regard to the interposition of the powers of Europe in the political affairs of America.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That recent manifestations of a disposition by certain powers of Europe to interfere in the political arrangements of this continent, with a view to the enforcement of the European principle of the "balance of power," upon the independent nations of America, having made it, in his judgment, the duty of the President of the United States to call the attention of Congress to this subject in his Annual Message, and to announce, on the part of the United States, the counter principle of non-intervention, it is the judgment of Congress that the announcement thus made by the President was demanded by the manifest hazard to which such interference would inevitably expose the relations of peace now subsisting between the Old World and the New.

*Resolved,* That Congress thus concurring with the President, and sensible that this subject has been forced upon the attention of the United States by recent events so significant as to make it impossible for this Government longer to remain silent, without being ready to submit to, and even to invite, the enforcement of this dangerous doctrine, do hereby solemnly declare to the civilized world the unalterable resolution of the United States to adhere to and to enforce the principle, that any effort of the powers of Europe to intermeddle in the social organization or political arrangements of

the Independent nations of America, or further to extend the European system of Government upon this continent by the establishment of new Colonies, would be incompatible with the independent existence of the nations, and dangerous to the liberties of the people of America, and therefore would incur, as by the right of self-preservation it would justify, the prompt resistance of the United States.

Objections were heard from several quarters, as the question was about to be put on its first reading; when

Mr. JARNIGAN asked if leave to introduce the resolution had been granted.

The CHAIR replied that the question of leave had been taken for granted.

Mr. ALLEN asked that it might be read a first and second time, for the purpose of reference.

Objections were again made, when

Mr. CALHOUN expressed a hope that a resolution which appeared to be of great importance would not be introduced without the question of leave being first decided. He trusted that it would not be taken for granted. He did not himself comprehend the full import of the resolution; and he believed there were not five Senators who did. He called for the reading.

The resolution was again read; when

Mr. EVANS asked what was the question before the Senate?

The CHAIR. If the Senator from Ohio shall have leave to introduce his resolution.

Mr. CALHOUN said that every Senator must be aware, in the present situation of the country, that this resolution called on the Senate to make a declaration which called for the most solemn deliberation. It would be matter for serious consideration, if this resolution was introduced and acted on, how far we are disposed to give effect to this declaration. No man could view with stronger feelings of indignation than he did the improper interference of the European powers with the nations of this continent. And he would take this occasion to say that, as far as his information went, the interference of France and England with the concerns of the Government of Buenos Ayres was an outrage, high-handed in its character, and without precedent in the history of nations. But the great question presented by this resolution was, whether we should take under our guardianship the whole family of American States, and pledge ourselves to extend to them our protection against all foreign aggression. Had we arrived at that state of maturity when we could wisely and effectually do so? Was this to be the understood and settled policy of our Government? If so, it would become necessary for us to pursue a different course from that we have heretofore adopted. The entire energies of the country must be concentrated and put forth to enable us to carry out this policy, if we intend that our declaration shall mean any thing. He regretted that, at this moment, such a question should be urged on the Senate. He was fearful that, in the eyes

of the world, it would have the effect of injuring our character for wisdom and moderation, and of still further perplexing other questions which were now pending. The President had, in his Message to Congress, made the same announcement as is made by this resolution. Why should we not, for the present, be satisfied with this announcement? He knew that the views thrown out by Mr. Monroe, on this subject, did not meet with the approval of some wise heads in this country. He was then comparatively young in experience, and they were approved by him; but he had understood that negotiators who were then abroad complained that it had produced an unfavorable effect on certain claims which were awaiting adjustment. Certainly, no practical benefit had resulted from the declaration, as it had been followed by no action on the part of our Government. In a great crisis like the present, he was afraid that we were disposed to act without that solemn deliberation and forethought which the exigencies of the times required of us. We appear to have reached a point at which two roads branch off before us, the one leading to the right, and the other to the left, and fatal may be the consequences if, instead of a wise and well-considered selection of our course, we hastily and rashly choose the path of error and danger. On the measures of this session may depend the destiny of our country. He was for solemn deliberation even on the question of receiving such a resolution as this. He regretted that the chairman on Foreign Relations had introduced it, as he would prefer to leave the matter where the President had placed it. He hoped, therefore, that the Senator from Ohio would not urge the introduction of his resolution at this time.

Mr. ALLEN said he had not been without apprehension that even this proposition might encounter opposition. But he was certainly not prepared to believe that on the mere question of leave to introduce his resolution, he should meet with this opposition. It was not his purpose, at this time, to go into a discussion of the principles embodied in the resolution, or to reply to the suggestions which had been urged by the Senator from South Carolina, further than to say, that the President having recommended this subject to the consideration of Congress, if Congress should remain silent and thus leave the declaration of the President unsupported by the balance of the Government, what then would be the condition of the case? The President acting in conformity with the obligations of the constitution, which require him annually to communicate his views relating to public affairs to Congress, communicates to Congress, in his Annual Message, certain acts of foreign powers calculated injuriously to affect the interests of our country, and which he regarded as of sufficient importance to require a specific announcement. By the constitution he is required to make this communication to Congress. Therefore he has addressed himself to

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Congress; and having so addressed Congress, should Congress remain silent, that silence would be a negation of what the President has laid down—a declaration to all Europe that, as far as this principle is in question, it is not recognized by the people of the United States, so far as the legislative branch is concerned. This is a proposition not found floating in the air, liable to be caught up at random, and brought before the Senate, but presented by the President, in the performance of the duty specifically enjoined on him by a clause in the constitution, for the consideration and sanction of Congress. It is, therefore, substantially before Congress—before Congress, under circumstances which will make the silence of Congress amount to a negation of the principle laid down by the President. How far this principle ought to be extended, and what is the precise character of the interference which ought to be deemed sufficient to justify this declaration on our part, are subjects for the deliberation and decision of this body. These will properly arise, whenever the Senate shall think proper to take up the subject for consideration, and then Senators who may entertain diverse opinions on these points, will have the opportunity of illustrating their views in propositions to amend the resolution, if it shall be deemed amendable.

But in regard to the material principle laid down in the Message of President Monroe twenty-one years ago, which had been before the people, and which was sanctioned by President Polk in his Message, as to the propriety of that principle, he believed there could be no hesitation, even on the part of the scrupulous Senator from South Carolina. But he (Mr. A.) felt he was not at liberty to go into this question at large, nor was it his intention to do so. He had not asked the immediate action of the Senate upon the resolutions. He had merely introduced them in the form of a joint resolution, which would come up in its natural order in a day or two, in the form of a law, which would require all the tardy solemnity of the law before it should reach its consummation. He designed, if the Senate did not turn his proposition out of doors, to move its reference to the Committee on Foreign Relations, where he desired that it should receive the investigation the gravity of the subject deserved; and that a report should be made indicative of the sense of the Senate on the subject. It would then come to the Senate for its final consideration and action. That was all he desired. He had never before heard of any objection to the introduction of a measure which had been brought to the attention of Congress in the solemn form of an Executive Message. One case, he believed, had occurred, in which objection was made to a bill relative to something connected with the Bank of the United States. That was a totally different affair. He had never heard objections stated to the introduction of a measure recommended by an Execu-

tive Message, so as to prevent the consideration due to its source. The Senator from South Carolina thought that at that particular time they should remain silent; but in his (Mr. A.'s) judgment, this was the particular time when a consideration of the resolutions was called for. He believed the Annual Message of Mr. Polk had received the approbation of the American people to as great an extent as any document which ever emanated from a public functionary of the United States. His declaration on the subject would be found substantially a reiteration of the declaration made by Mr. Monroe; and, as far as his observation went, it never had encountered opposition from any American mind. That he conceived a very substantial reason for the presentation of the subject.

And now a word as to the timing of the matter. The language of the President is as follows:

"In the existing circumstances of the world, the present is deemed a proper occasion to reiterate and reaffirm the principle avowed by Mr. Monroe, and to state my cordial concurrence in its wisdom and sound policy. The reassertion of this principle, especially in reference to North America, is at this day but the promulgation of a policy which no European power should cherish the disposition to resist."—*President Polk's Message.*

The President, (continued Mr. A.,) in his Message to Congress, said he deemed it imperative on him, in the existing circumstances of the world, to reiterate the principle—to call the attention of Congress to the subject, not a century hence, but *now*. But he (Mr. A.) would not go into the deep waters which the question opens up; he would not go into the deep reasons of state founded upon the necessity of looking to the preservation of national existence, which arise out of the consideration of this great and momentous subject. He would not now undertake to review the present system of European policy in relation to this continent, and the views of their statesmen in reference to the balance of power. Those were questions which, he trusted, would subsequently receive, during the present session, the consideration of the Senate of the United States. If there was a disposition not to receive the resolutions—if there was any feeling of resistance to them—he would be content with the decision in the form of the ayes and noes of the body, so that the resolution and the votes should stand on record, in the Journal of this body, as testimony of his own views of the matters embraced in his proposition.

Mr. CALHOUN remarked that the manner in which the resolution was introduced struck him as extraordinary. Notwithstanding the Senator from Ohio was the chairman of the Committee on Foreign Relations to which that part of the President's Message had been referred, he had introduced, as he (Mr. C.) understood, the resolution on his own authority,

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without consultation with the other members on the subject referred.

Mr. ALLEN said it was his own proposition.

Mr. CALHOUN observed that there was no precedent to be found, and he questioned whether the resolution was not entirely out of order. Had other members of the committee been consulted? Had the Senator from Michigan, (Mr. CASS), the oldest member of the committee, and whose long experience in our foreign affairs entitled his opinions to respect? Had his gallant friend from Arkansas, (Mr. SEVIER,) or any other member? No. The resolution was introduced on the authority of the chairman of the committee, as he had just acknowledged, without consulting a single member. He (Mr. ALLEN) had taken up a part of the Annual Message on his own authority, and that, too, comprising one of the greatest subjects in the Message. If this course were proper, why not take up every other subject in the same manner? If there were no other reasons why we should not give leave for the introduction of the resolution, this of itself would be sufficient. The chairman had asserted that twenty-one years had elapsed since Mr. Monroe had announced a similar opinion; and that it had settled the opinion of the American people with reference to it. Why, then, was this resolution introduced, unless it was designed to produce effect on other questions? For himself he intended to speak without disguise. He knew the bearing the resolution was designed to have, and he well knew where he stood on the questions involved. He had taken his stand on the questions intended to be affected. He was for peace, if it could be honorably preserved; and he would not be forced to countenance any measure which would render more difficult an honorable adjustment between the two countries on the Oregon question.

He was against the resolution, unless Senators were prepared to go on and meet all contingencies which might result. If so, we would be compelled to take this stand: put forth all our strength, become a great military Government, and take measures to repel all foreign interference with the affairs of this continent. With great deference to the Senator from Ohio, if he was really in earnest in his desire to carry into effect the principle involved in his resolution, instead of introducing it in a general form, he ought to introduce one calling on the Government at once to interfere in behalf of Buenos Ayres, to be prepared to take that Republic under our protection, and repel the interference of France in her concerns. It was the part of wisdom to select wise ends in a wise manner. No wise man, with a full understanding of the subject, would pledge himself, by declaration, to do that which was beyond the power of execution, and without mature reflection as to the consequences. There would be no dignity in it. True dignity consists in making no declaration which we are not pre-

pared to maintain. If we make the declaration, we ought to be prepared to carry it into effect against all opposition. He was directly opposed to granting leave to introduce the resolution; and before he resumed his seat, he would ask for the yeas and nays.

Mr. JARNAGIN said that his objection to the resolution originated in no disposition to show a want of courtesy towards the Senator from Ohio. He was not prepared at this time to vote on the application for leave to introduce it; he did not know what might be the effect of the vote. That he might have time to make inquiry and reflect upon the subject, he moved that the motion for leave be laid upon the table, and asked for the yeas and nays.

Mr. CASS inquired whether this did not preclude discussion; and

The PRESIDENT replied that the motion was not debatable.

Mr. CRITTENDEN remarked that this would not prevent the Senator from calling it up hereafter.

Mr. ALLEN said he wished it to be understood that he should consider the vote to be taken as final on the resolution.

The question was then taken on the motion of Mr. JARNAGIN, and was decided as follows:

YEAS.—Messrs. Archer, Barrow, Berrien, Calhoun, Chalmers, T. Clayton, J. M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Haywood, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, McDuffie, Mangum, Miller, Pearce, Phelps, Simmons, Upham, Webster, Westcott, and Woodbridge—28.

NAYS.—Messrs. Allen, Ashley, Atherton, Benton, Breese, Bright, Cameron, Cass, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Jennings, Lewis, Niles, Pennybacker, Sample, Sevier, Sturgeon, Tenney, and Yulee—23.

So the motion for leave was laid on the table.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, January 17.

#### *Death of the Hon. William Taylor.*

Mr. DROMGOOLE rose and addressed the House as follows:

Mr. Speaker: To me, sir, has this day been assigned the melancholy duty of making the solemn announcement to this House, that death is in our midst. WILLIAM TAYLOR, a representative in Congress from the State of Virginia, is no more. He died at his own chambers, in this city, this morning, at 4 o'clock.

The brief time which has elapsed since his decease has not allowed me an opportunity of ascertaining the circumstances attending that event. Since he reached Washington, at the commencement of our session, he has labored under constant indisposition. A general debility pervaded his physical frame; and this morning he suddenly expired. He sunk suddenly, and in a moment life was extinct. With-



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out a murmur, without a sigh, he sunk to rest—evincing, at his departure from this world, a calm composure, a quiet resignation, which admirably corresponded with the smooth progress of his previous life.

He was born in Alexandria, in this District. In early life, he removed to the Valley of Virginia; and, having married, located himself in Rockbridge County, where he has ever since resided. Blest in his domestic relations, happiness and contentment have been his good fortune.

If, sir, his life has been marked by no extraordinary incidents, that fact constitutes an encomium on the moral beauty of his character. Although a well-educated lawyer, and highly reputable member of the bar, he manifested no restless eagerness for distinction, and suffered not the promptings of worldly ambition to disturb the evenness of his temper, and betray him into uncongenial controversy. Remarkable throughout life for his uninterrupted equanimity, nevertheless he was, in his public capacity, firm and decided in his opinions; and in the conscientious discharge of his duties he was inflexibly upright.

Justice and integrity characterized his entire intercourse with his fellow-men. Honor, in its best sense, regulated his conduct.

Whether contemplated in the faithful discharge of his public duties, or in his fair and honorable intercourse with his fellow-men, or as an exemplary husband and father, reposing in tranquil happiness by his own fireside, in company with an affectionate wife and children—in whatever scene, or under whatever aspect we may examine the character of my departed colleague, he will be emphatically pronounced, in the most dignified and refined definition of the term, a gentleman.

Such, sir, was the man who, in the wise dispensation of an inscrutable Providence, has been removed from his country and his family before he had attained an old age.

Of the grief of his bereaved companion, and his now fatherless children, it does not become me to attempt a description. Into that private and sacred scene of mourning I will not, even by imagination, intrude.

If earthly consolation can alleviate their distress, some portion of it may, perhaps, be derived from the reflection that he was universally esteemed and beloved by his acquaintances, and that *all* his colleagues in the highest degree respected and loved him, and mourn his loss as that of a brother.

But, sir, at last the highest source of comfort and consequent resignation to their bereavement will be derived from their Christian belief that the ways of God, however inexplicable to the finite wisdom of man, are just; and from the Christian hope that a world of sin, and sorrow, and temptation, has been exchanged for one of immortal bliss.

Mr. D. concluded by offering the following resolutions, which were adopted:

*Resolved*, That this House has heard with deep emotion the annunciation of the death of the Hon. William Taylor, a member from the State of Virginia.

*Resolved*, That this House tenders to the relatives of the deceased the expression of its sympathy on this affecting event, and, as a testimony of respect for the memory of the deceased, the members and officers of the House will go into mourning by wearing crape on the left arm for thirty days.

*Resolved*, That the members and officers of the House will attend the funeral of the Hon. William Taylor, deceased, on Monday next, at half-past 12 o'clock, p. m.

*Resolved*, That a committee be appointed for superintending the funeral of the deceased.

*Ordered*, That a message be sent to the Senate, to notify that body of the death of the Hon. Wm. Taylor, late one of the representatives from the State of Virginia, that his funeral will take place from the Hall of the House on Monday next, at half-past 12 o'clock, p. m., and that the Senate be invited to attend the same.

*Resolved*, That, as a further mark of respect for the memory of the deceased, this House do now adjourn.

Whereupon the House adjourned.

#### IN SENATE.

MONDAY, January 19.

On motion of Mr. PENNYBACKER, the reading of the journal was dispensed with.

#### *Death of the Hon. William Taylor.*

A message was received from the House of Representatives, by B. B. FRENCH, Esq., their Clerk, informing the Senate of the death of the Hon. WILLIAM TAYLOR, late a representative from the State of Virginia, and inviting the Senate to attend the funeral to-day at half-past twelve o'clock.

On motion of Mr. ARCHER, the Senate proceeded to the consideration of the resolutions, when

Mr. PENNYBACKER rose and said:

Mr. President: It becomes my duty to announce to the Senate the melancholy truth that WILLIAM TAYLOR, a representative from Virginia, is no more. He died very suddenly at his residence in this city on Saturday morning last, about four o'clock, in the maturity of age and the fulness of usefulness. For some time previous to the period of his death, he had been indisposed, but not very seriously, as his friends had hoped; complaining only of great debility. But, alas! how false are the hopes of men! The hand of death was then upon him, and kindred spirits were whispering to his soul,

"Gentle spirit, come away!"

Though his exit was sudden, he died, as he had lived, calmly and quietly; and without a pang, a groan, or a struggle, his soul ascended to its God. There may it rest forever and forever!

But melancholy as is the announcement I

have made, there were circumstances attending the sad bereavement which were calculated to mitigate the blow. My deceased friend died surrounded by his family, and in the midst of dear and cherished friends. His it was not to die in a stranger land,

"Without a friend to close his eyes."

Where he breathed his last was near the spot where the light of heaven first met his eyes. He was born and reared in the city of Alexandria. Woman, too, was near his couch—his devoted wife, and other friends. May the God of mercy, in his infinite goodness, bind up the wounds which death has made!

With the deceased I was not intimately acquainted, though I knew him well in person and by character. He was the representative of my immediate district, and had been during the Twenty-eighth Congress. A purer man never lived upon earth. He was remarkable for his modesty and courtesy; and no one excelled him in sensibility and honor. A lawyer, he stood very well at the bar; a member of Congress, he discharged his duties; a husband, a father, a neighbor, and a friend—nothing was wanting. He was respectably connected in all branches of his family. A gentleman in every sense of the word, *he was an ornament to human nature itself.*

In his life there was no striking incident. Like a placid stream, it flowed smoothly on, until it was lost in the ocean of eternity.

What I have said, Mr. President, is not the language of mere panegyric. I have said but that which I *do know*; and they who knew him best and well, will acknowledge the truth of the picture I have drawn, how imperfectly soever the task has been done.

Without further remark, sir, I move you that the Senate adopt the following resolutions:

*Resolved*, That the Senate has received with deep sensibility the message from the House of Representatives announcing the death of the Hon. WILLIAM TAYLOR, a Representative from the State of Virginia.

*Resolved*, That, in token of respect for the memory of the deceased, the Senate will attend his funeral this day at the hour appointed by the House of Representatives, and will wear the usual badge of mourning.

The resolutions were unanimously agreed to.

MONDAY, JANUARY 26.

#### *European Interference in American Affairs.*

Mr. ALLEN rose to call up the motion laying on the table a motion made by him some days previous for leave to introduce a joint resolution in reference to the interference of foreign powers in the affairs of this continent. He reminded the Senate that he had given notice that on last Friday he would move the Senate

to take up that motion; but, as the Senate had adjourned over on Thursday last till this day, (Monday,) he had not had the opportunity of making this motion at the time he had named. He therefore embraced the present occasion of submitting to the Senate the motion to take from the table the motion submitted by him on a previous day. He called for the yeas and nays on the question.

Mr. BAGBY wished to know what was the motion that lay on the table.

The PRESIDENT. The motion for leave to introduce a joint resolution.

After a short conversation, in which Messrs. BAGBY, SPEIGHT, and MANGUM took part, relative to the precise nature of the question before the Senate, and the presiding officer having stated it to be on the taking up from the table the consideration of a motion for leave to introduce a resolution, notice of the introduction of which had been given by the Senator from Ohio, the calling of the yeas and nays was proceeded with, and resulted as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Benton, Breese, Bright, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Lewis, Niles, Pennybacker, Simmons, Speight, Sturgeon, Turney, and Woodbridge—28.

NAYS.—Messrs. Archer, Barrow, Berrien, Calhoun, Cameron, T. Clayton, J. M. Clayton, Corwin, Crittenden, Davis, Evans, Greene, Huntington, Jarnagin, Johnson of Louisiana, Mangum, Miller, Pearce, Phelps, Upham, and Webster—21.

So the motion was taken up for consideration.

Mr. CASS then rose, and proceeded as follows:

Mr. President: Whatever views may be entertained of the policy of introducing this resolution, the question now assumes a wholly different aspect. It is now here. It is before the Senate, before the country, and before the world. It is not a proposition to establish a principle, nor to dictate a course of policy; but simply to ask the Senate if this great matter is worthy of reference to the Committee of Foreign Relations, and worthy afterwards to be taken up for consideration and action of the Senate. Do what we may, one effect of this question is beyond our reach: It is already flying upon the wings of the wind, and will be carried to the farthest boundary of the Republic, and to every log-cabin upon the verge of civilization, which dots the prairies, or is lost in the forest. And yet more: it is crossing the ocean, and will pass to the Old World; and wherever it goes, what will be said of our refusal to consider it? To what motive will this refusal be ascribed? To timidity, Mr. President—unjustly we all know; for no such motive has had the slightest influence upon a single member of this body. But we shall not the less be charged with it, nor will it the less injuriously affect us. There is not a journal from Johnny Groat's House to the Land's End, which will not have its fling at the disposition

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we make of this subject, and of all times this is the worst to halt in our course, and of all nations England is the last before whom we should exhibit any conduct that may be tortured into the appearance of doubt or apprehension.

But what is proposed by this resolution? It proposes, Mr. President, to repel a principle which two of the greatest powers of the earth are now carrying into practice upon this continent, so far as we can discover any principle involved in the war which the French and British are now waging against Buenos Ayres; and a principle solemnly announced by the French prime minister in the Chamber of Deputies, clearly in doctrine, but cautiously in the remedy. I need not advert to the declaration made upon that occasion by Mr. Guizot, a declaration equally extraordinary and memorable. An honorable member of this body has the debate in full; and I trust that, in the further discussion which this subject must undergo, and will undergo in this body in one form or another, he will read the remarks of the French premier, and give us the able views I know he entertains of them. I will only add that these remarks are eminently characteristic of a peculiar class of statesmen, who are always seeking some new and brilliant thought, something with which to dazzle the world as much as it dazzles themselves—some paradox or other as a shroud wherewith to wrapt their dying frame. Plain common sense, and the true condition of men and communities, are lost in diplomatic subtleties.

But what is this balance of power which is to cross the Atlantic and take up its abode in this New World? It is the assumption of a power which has deluged Europe in blood, and which has attempted to stifle the first germs of freedom in every land where they have started up; which has blotted Poland from the map of nations; which has given a moiety of Saxony, in spite of the prayers of the people, to Prussia; which has extinguished Venice and Genoa; which added Belgium to Holland, notwithstanding the repugnance of its inhabitants, who eventually rose in their revolutionary might, and asserted and achieved their own independence; which transferred Norway from Denmark, to which it was attached by old ties and by a mild government, to Sweden, who had to send an army, and to call upon the navy of England to aid her to take possession of this gift of the holy alliance; which keeps Switzerland in eternal turmoil, and which sent a French army into Spain to put down the spirit of liberty, and an Austrian army to Italy for the same purpose, and which watches and wards off the very first instincts of human nature to meliorate its social and political condition.

It is the assumption of a power which enables five great nations of Europe—they are quintuple at present—to govern just as much of the world as will not or cannot resist their cupidity and

ambition, and to introduce new principles at their pleasure, and to their profit, into the code of nations. To proclaim that the slave-trade is piracy by virtue of their proclamation, and that their cruisers may sweep the ocean, seizing vessels, and crews, and cargoes, and committing them to that great vortex which has swallowed up such a vast amount of our property, and issued so many decrees against our rights—a court of admiralty; and, by and by, will enable them to proclaim, if not resisted, that the cotton trade shall be piracy, or that the tobacco trade shall be piracy, or that any thing else shall be piracy which ministers to our power and interest, and does not minister to theirs.

The question is not as to the specific language or proposition of this resolution, but as to its consideration. That measure, if carried, commits the Senate to nothing. The Committee on Foreign Affairs, and this body subsequently, may make such modifications as they please; and ultimately the whole matter may be rejected. Certainly this process ensures caution, and is a safe guarantee that the subject will be maturely considered, and wisely decided. It ought not to be overlooked that this subject is specially recommended to our attention by the President. It is not gratuitously introduced by the honorable Senator from Ohio, though he had a clear right so to introduce it, and in my opinion would have done wisely had he done so, even if it had not been presented to the attention of Congress by higher authority.

I understand the measure proposed by the Senator from Ohio is a protest against the establishment of a new and dangerous principle, affecting ourselves, and with us the other independent nations inhabiting this continent. It does not necessarily involve any question of war. Such a protest is a common mode of procedure in the intercourse of nations. It is the exclusion of a conclusion. It is saying to the world, that the Government making the protest does not recognize a certain claim or principle, and does not intend to be bound by it. It commits such Government to no specific course of action. It merely expresses its dissent, leaving to future circumstances its conduct, should the protest be found inefficient. Such I know to be the views of the Senator from Ohio; and if the phraseology of the resolutions may appear to some Senators to carry the Government too far, it is easy to adapt it to a sense of the Senate upon the subject. That is a reason for consideration, but not for rejection. We are young, but we are every day becoming stronger as we become older. Time is dealing well by us. What we now want is to prevent any future pretence that by our acquiescence we have recognized this new-fangled doctrine of interference. Let us say to the world, we have no lot nor part in it; but we need not say that we shall this year or next year adopt this or that course of action if there

is any attempt practically to apply the doctrine. "Sufficient unto the day is the evil thereof." Let it suffice for us to decide when the time for decision comes; and then, if we are committed by nothing but a protest, we may sit still honorably, taking no part in the transaction, or we may place ourselves between Europe and America, and commit this great question to the issue of war—and to that issue it will finally come if not abandoned—and be resisted, in the words of the President's Message, stronger than the language used by the member from Ohio in his resolutions, "at any and at all hazards."

I have already alluded to Buenos Ayres, where France and England are now interfering to their hearts' content. Their conduct upon the La Plata is among the most outrageous acts of modern times. If I understand their professions, they wage war against Buenos Ayres because Buenos Ayres is at war with Montevideo. They are fighting for peace; doing evil that good may come. But what right have they to interfere in the quarrel between two independent nations, except as the friend of both, and in the interest of both? They come not, however, with the olive-branch, but with fleets and armies. They carry on open war; they preach a crusade of philanthropy from the quarter-decks of ships of the line, and from the midst of regiments of soldiers. Now all this is a flimsy veil to conceal far other designs; designs of commercial and political ascendancy upon the immense and productive countries of that great river. They seek the establishment of a balance of power which shall establish their own power and enable them to hold in subjection one of the most magnificent regions upon the face of the earth. To give proper weight and solemnity to any measure upon this great question under consideration, requires the action of Congress. The declaration of the President will be as barren as was that of Mr. Monroe, unless adopted by the national legislature. The President is the organ of communication with other Governments. But the establishment of a great line of policy calls into action powers not committed to him, and which can only be exercised by the representatives of the States and the representatives of the people assembled in Congress.

Mr. President, we shall lose nothing at home or abroad, now or hereafter, by establishing and maintaining an American policy—a policy decisive in its spirit, moderate in its tone, and just in its objects—proclaimed and supported firmly, but temperately. Providence has placed us at the head of the family of nations upon this continent. We have passed safely through the great revolutionary trial from a colonial to an independent condition. We entered upon it with great advantages. The principles of true freedom were brought by our forefathers to the New World, and when the struggle for independence commenced, it found us not only ready for the issue, but ripe for the blessings of

self-government. But the colonies of Spanish descent had not served as we had done the apprenticeship of liberty; and when they were suddenly called to dissolve their original political connection, and to reconstruct their civil institutions, they encountered difficulties which seemed at times to threaten the overthrow of all their hopes. Their state of transition is not yet fully over, but they will struggle on till their work is crowned with success. In the mean time it is equally our policy and our duty to preserve the continent as free from European influence as is compatible with the acknowledged principles of the laws of nations. The community of States inhabiting it have interests of their own, independent of the peculiar state of things which is established in Europe. There is here no question touching the joint rights of others—none of interfering with the colonial possessions of the European powers—none of denying their right to establish all the relations of peace they please with this continent, nor of changing these to relations of war when they think just cause of war exists, followed, in that case, by all the rights which a state of hostilities brings with it. But it is a question of applying to America an artificial system built up in Europe within the last century and a half, which the most careless observer of history well knows has neither diminished the number nor the extent of wars, nor increased the stability of independent States, nor promoted the happiness of mankind. A system of power built up in reality for the maintenance of monarchical institutions, under the guise of maintaining a necessary political equilibrium. Now, sir, I hope we shall be satisfied with our own good things, without preaching any system of political propagandism. If other people prefer monarchical to republican institutions, so be it. We have no right to quarrel with their decision, however much we may differ from their views. The world is wide enough for them and us. But we have a right to expect that no undue means be taken, under any pretence whatever, to assail the existing institutions upon this hemisphere, or to exert any influence to change them, or to interfere at all with its political condition. This is the object of the Senator from Ohio; and it is an object worthy of the attention and action of Congress, and of the approbation of the country.

Why need we be so peculiarly sensitive upon this question?—for I see it has excited some sensation in various quarters. No one doubts our right to respond to the declaration of the President. No one can dispute its importance. No gentleman, I am sure, upon the floor of the Senate, has the least wish to conciliate England by a self-restraining policy. Mild words, we are told by the wise man, turn away wrath. It may be so, but they never yet turned away cupidity or ambition. I do not see that the English statesmen are very regardless of the feelings of this country, either in the measures they adopt or in the language

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they employ. Lord John Russell, who has recently been called to the head of the British Administration, but which position he could not hold, in his comments upon the President's declaration respecting Oregon, in April last, called it blustering; and I did not observe that this coarse epithet drew upon the speaker the least censure from Parliament, or the people, or the press. I have seen no such epithet applied here to the language of the British Queen, nor even of the British Cabinet, though my experience tells me that, had such been the case, there is many a journal in this country which would have visited it with strong rebuke. But Lord John Russell lays himself liable to a severe retort when he says in that very speech: "For my own part, I will say, in all moderation, that I am not prepared to say that this country ought to put forward any arrogant pretensions."

Precious moderation this! What can be more arrogant than to claim moderation because a country is not prepared to put forward arrogant pretensions? If this be the moderation of England, what would be her arrogance!

Look at the state of things in Brazil! The treaty between that country and England on the subject of the right of search has expired. But has the right expired also? It has, but not the practice. England yet stops, with the strong hand, Brazilian ships, wherever she finds them in tropical latitudes, and seizes and sends them to her own courts of admiralty for condemnation. And this in utter contempt of all the laws regulating the rights of independent nations.

I allude to all these facts, because they ought to warn us of our duty. I allude to them, in despite of the charge, which has been and will again be made—out of the Senate, not in it—of a desire to excite undue prejudice against England. I have no such desire. But I have a desire that my own country should be aware of her true position, and should be prepared to meet her responsibility, whatever difficulties may beset her path—prepared, sir, in head, in hand, and in heart. Yes, sir, notwithstanding the severe commentaries which a casual expression of the honorable Senator from Ohio has encountered from a portion of the public press, I will repeat the expression—prepared in the heart. For if war should come, which may Providence avert, I trust the hearts of our countrymen will be prepared for the struggle it will bring. There is no better preparation, nor any surer cause or augury of success.

When I read the President's Message, sir, I found four principal statements or suggestions which seemed to me to render our relations with England exceedingly critical; so critical, indeed, as to demand the immediate attention and action of Congress, and the solemn consideration of the country. The President stated, in effect, that the negotiations with England on the subject of Oregon were closed; that we

had a clear title to the whole of it; that the year's notice for the termination of the convention ought to be given; and that we should then take exclusive possession of the whole country. I do not quote the words, but these are substantially the views of the President. Now, sir, it was clear to me that here was a state of things which might well excite the solicitude of any man in the unprepared condition of the country. And yet what vials of wrath have been poured out upon the heads of all the Senators whose measures really tended to avert war by preparing for it. The mails are loaded with abusive anonymous letters, because they believe the country is in danger, and believing so, say so, and thus saying and believing, strive to prepare for the worst, still hoping, though sometimes against hope, for the best.

The honorable Senators on the other side, who took part in the discussion respecting the national defences, I believe, without exception, expressed their satisfaction at the President's Message. And yet no man can doubt that, if the measures suggested by him are carried into effect, and if England does not recede greatly from all her former positions, war must come. Still we are called panic-makers and seekers of war. As the thermometer of the stock exchange rises and falls, a representative of the people is wise or rash in the measures he proposes, or honest or dishonest in the motives that actuate him. It is not my habit to cast reflection upon any class of employment; but without violating this rule, I may express the gratification that there are higher interests than those of stock-jobbing in this country, and a mighty mass who control its destinies, and who know nothing of the operations of a Wall-street financier.

I expressed my approbation of the President's Message; but on the subject of the state of the country, I did not say one word more than I intended, and intend now. I am no lover of war. I am no seeker of it. But I have to learn that it is hastened by adequate preparation. I have passed through one war, and hope never to see another. Still I shall never cry peace, peace, unless I believe there is truly peace. The honorable Senator from Kentucky, whom I first met many years ago, marching to the battle-field, and who will always be found on the side of his country, supposed, when the question of the national defence was under discussion, I had said war was inevitable. He misunderstood me. I considered the danger of war imminent, not inevitable. Had I thought it inevitable, I should not have submitted propositions for inquiry, but decisive measures for adoption. I hold on firmly, sir, to every word I said before, neither softening nor explaining; but denying, because I apprehended we might have war, therefore I desired it. And I still consider danger imminent, not diminished, so far as I know, by the recent arrival. The subject in controversy remains precisely as it was. The question was, and is, whether we shall surrender

to the British demands, or whether the British Government shall surrender to ours. If no such cession is made by either party, the two countries will be brought into conflict. I see no indication that one or the other will sufficiently yield. And there is an article in the London Times, of January 2, which does not look as though England would go farther in her offers than she had already gone. It is unequivocal and decisive.

"Equality of holding is dictated by justice. Equality of partition between England and the United States is dictated by the convenience of both. What the conditions of this partition ought to be we shall consider on another occasion; but we contend that both suggestions of strict right, and those higher considerations of comprehensive equity, forbid us to concede, for one moment, one jot of those advantages, whether of soil, rivers, or harbors, which, for half a century, have been shared, with equal security and equal benefit, by the subjects of the British Crown and the citizens of the United States."

And I feel at liberty to say, that nothing has been received by the Government, by the last packet, which would at all warrant us in suspending or postponing our measures of defence.

MR. WEBSTER. Have they received any advices at all?

MR. CASS. They have.

MR. WEBSTER. Have they received any advices creating any additional necessity for augmenting the defences of the country?

MR. CASS. I do not know that any of that purport have been received; if I did, I do not know that I should be at liberty to state them. All I know is, that the character of the advices is such as cannot justify any change in our policy.

MR. WEBSTER. Well, that is all that I understood.

MR. CASS. It is not men, but fears and facts, that makes panics in this country, if I must adopt that word. But I repudiate it as applicable to the great body of the American people. They feel no panic. They feel anxiety, no doubt, but determination also—a hope that England will do us justice, and, if not, a determination to do justice to themselves.

I must ask the indulgence of the Senate for alluding to this topic at this time. I do so with the deep conviction that all other legislative measures should give way to measures of defence, and in the hope that such will be the action of Congress. Then, if war comes, we shall have no self-reproach to meet, and if peace is preserved, what we do will be well done for a similar future contingency, which no nation can expect long to avoid.

One word more. Much has been said of the activity going on in the arsenals and dock-yards of England, and of the augmentation she is making in her military and naval means. Of the fact itself there is no doubt, though various motives have been assigned for her conduct.

I hold in my hand an extract from the Journal des Debats of the 1st of December last. The character of that journal is well known. It enjoys the full confidence of the French ministry. It is cautious in its statement of facts, and especially of great political facts, and cautious in its speculations. It says:

"Thus the British and American Cabinets are very widely separated in opinion; the concern of mere interest has become secondary; the point of honor rises and rules. Sir Robert Peel and Lord Aberdeen are equally pledged. Their declarations are not all: England has gone further; and has continued, with an outlay of many millions, her maritime preparations, at which France took umbrage *mal à propos*; and her naval *matériel* has been augmented to the most formidable degree of power. At this moment she is prepared for any issue; she has taken her precautions, as if a war might break out in 1846. The United States, on the contrary, have not prepared themselves for this fearful event."

Now, sir, all this coming from the quarter from whence it comes, is very significant; and when cleared of the little mystery about it, it says in effect that France, seeing these immense preparations, has taken the alarm, and has done what the European Governments always do, when extraordinary armaments are making in other countries around them, has demanded explanations of England, who had satisfactorily given them, so that France found she had taken umbrage *mal à propos*. These armaments were not, and are not, directed against her, nor against any quarter interesting to her. Where they were and are directed, needs no prophet to tell; and if it did, this prophet presents himself in the *Journal des Debats*.

And I will add, sir, that the most recent and authoritative advices from England state that the same activity yet prevails in all branches of the service connected with the offensive and defensive measures of the country.

[The debate was continued by Messrs. ALLEN, CALHOUN, CLAYTON, and others, and embraced many personal topics.]

The question was then put, and the yeas and nays being taken, resulted as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Cameron, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Lewis, Niles, Pennybacker, Semple, Simmons, Speight, Sturgeon, Turney, Woodbridge, and Yulee—26.

NAYS.—Messrs. Archer, Barrow, Berrien, Calhoun, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Davis, Evans, Greene, Huntington, Jarnagin, Johnson of Louisiana, McDuffie, Mangum, Miller, Pearce, Phelps, Upham, and Webster—21.

So leave was granted to introduce the resolution; which was then read, referred to the Committee on Foreign Relations, and ordered to be printed for the use of the Senate.

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*Augmentation of the Navy.*

[JANUARY, 1846.]

TUESDAY, January 27.

*Augmentation of the Navy.*

The bill providing for the augmentation of the naval force of the United States, and for other purposes, was taken up for consideration.

Mr. FAIRFIELD said, this bill having been presented to the Senate unaccompanied by a report from the Committee on Naval Affairs, some explanation of its principles and details, and of the views in which it originated, will probably be expected. That duty, devolving as it did upon himself, should be performed as briefly as the nature of the case would admit, and without any attempt at elaboration, or ornament.

[After explaining the details of the bill, Mr. F. proceeded as follows:]

But to pass over these and similar questions, which, as he had said before, some may be disposed to regard as unimportant, we come to what all regard as the great question of difference between this country and England; he meant the Oregon question. This may be settled amicably and it may not. Let us see how it stands at the present moment. Our right and title to this territory—to the *whole* of it—from 42° up to 54° 40'—has been demonstrated. The arguments of the two distinguished Secretaries (Messrs. CALHOUN and BUCHANAN) are irrefragable and conclusive. They are not only unanswered but unanswerable. The man who should now question our title would find himself subjected to the imputation of having either a weak head or an unpatriotic heart.

But of this territory thus incontestably ours, England claims over nine degrees, or what lies north of the Columbia River; and has never, upon any occasion, or under any circumstances, manifested a disposition to take less. Will she take less? Thrice has the relinquishment of over five degrees—more than one-third of the whole territory—been offered to her, and thrice has it been refused, peremptorily, if not contemptuously. Compromise, then, has failed. Liberality and concession have been met by illiberality and obstinacy. The parties now stand upon their rights. National honor and national disgrace are now involved in the issue. That England intends to maintain her claims, and is preparing for the result to which it inevitably tends, is manifest. Eminent British statesmen, embracing the different shades of party organization, have spoken in the British Parliament of an ultimatum on their part, which, if adhered to, admits of but one alternative on ours—assent with disgrace, or dissent with war. It is true the voice of an individual or of a few individuals, however exalted in station, is not always the voice of the nation. But regarding the debate in the British Parliament in connection with the tone of the public press, the feeling manifested by the people at large, the military and naval preparations for war, which are vigorously pushed by the Brit-

ish Government, and who can doubt their design, and to what it all necessarily tends? Sir, it would be worse than folly, it would be criminal, to shut our eyes to passing events, and the portentous consequences necessarily connected with them.

The parties, then, having taken their respective grounds, what is to follow? Are we, as the distinguished Senator from Michigan asks, to *recede*? Shall we yield to the threats of power what we have denied on the score of justice and equity? Shall our *fears* be made to pander to our *disgrace*? Never! The spirit of our fathers must have ceased to animate us ere we can submit to disgrace so marked, so indelibly burnt, as it would be, into our very foreheads. Much as war is dreaded by the American people—dreadful and disastrous as are its consequences, there is yet a spirit in our people that would court it as a boon and a blessing, rather than incur the blighting and scathing effect of dishonor and disgrace. For war, under such circumstances, we are always prepared, though we had not a gun mounted, nor a soldier enlisted. If he knew his own heart, this was said in no vain and boasting spirit. To boast of our prowess would but portray our weakness. To attempt to influence such a power as England by gasconade, would be idle and ridiculous. But to rely with calm, steady, sagacious, and firm confidence in our capacities and our power—in the justice of our cause—in the warm hearts, strong arms, and sound patriotism of our people, and in the blessings of Providence, could neither be weak nor presumptuous.

Under all the circumstances of the case, then, what is it our duty to do? Should we go upon the ground that war is *inevitable*, and make suitable preparations to meet it? If so, this bill falls infinitely short of what it should be. Should we, on the other hand, regard peace as certain, and beyond the possibility of a rupture, and so do nothing? This, he apprehended, would be equally erroneous and short-sighted. The wise course, then, it appeared to him, was, to make such a beginning, as, while it may not be entirely incompatible with a state of peace, may yet afford to the country some sense of security against sudden attacks of the enemy upon our seaport towns. This medium, the Committee on Naval Affairs have endeavored to attain in the present bill, and they cannot but entertain the hope that a large majority of the Senate will be found to concur with them.

Thus far, no reference has been made to our existing relations with Mexico; and yet in these relations some may find their strongest reasons for the support of this bill. In case of actual hostilities between the United States and Mexico, there could be no doubt, he apprehended, that an additional steam force would be absolutely indispensable. To encounter the winds and currents of the Gulf of Mexico, and to meet the kind of service that would be required on the Mexican coast, steam-ships would

be peculiarly adapted. Whether that power would yet manifest the fatuity and folly of provoking a war with us, remained to be seen. Enough, however, he apprehended, was seen to justify us in increasing our force to the extent provided in this bill.

Mr. BENTON said that he had not made any war speeches, because he had not seen any thing to justify it. He had not seen any thing to justify war speeches or war measures. The bill which was now before the Senate was brought forward as a war measure. It was so intimated by the Secretary of the Navy; it was so advocated by the chairman of the Committee on Naval Affairs; and it so appears on the face of the bill itself. It was a war measure. We were now brought to the point when the Senate of the United States were called on to present, in the face of Europe and the American people, their opinion of approaching war. That was the question which we were now to present in the face of Europe and America. He apprehended that they had not reached that question, and for himself he was ready to pronounce against it, going *in toto* against the bill framed in accordance with the recommendation of the Secretary of the Navy. What was the bill? The first section authorized the building of ten steam-ships, or vessels of war, three of them of the class of frigates. The second section gave an absolute power to the President, authorizing him to put into instant active service all the vessels now on the stocks. The contingency on which the President was to exercise this discretion was not even stated, and therefore the authority was absolute. The section authorized the President to bring into active and immediate service every ship on the stocks and in ordinary, without stating the contingency which should take the authority from Congress. Another section, the last, proposed to abolish the limitation as to the number of men, and the amount of naval force was to be left without any limitation whatever. For the purpose of carrying out the object of the bill, five millions and three-quarters were to be appropriated. In addition to the ten steam-ships of war, two millions were proposed to be added by the amendment of the Senator from Indiana, (Mr. HANNEGAN.) It was not, however, in the bill; and he would not further allude to it. But here was an amount of five millions and three-quarters to be added to the naval establishment of the year. What were these expenses now? They were six millions three hundred and ninety thousand dollars; and it was proposed to add five millions and three-quarters—making, in all, twelve millions in one year for the navy of the United States!

Were we, after our experience six years ago, when a great party was overturned, and when the argument was used that the Government should be administered for thirteen millions, and that it would be wasteful and extravagant to go beyond that amount, were we now to vote twelve millions for the navy? But did

we stop here? We must have our armament, our guns; and every gun required at least ten men, and every man required two hundred and twenty-six dollars for his support. So that, when we vote for a certain number of guns, we vote for a certain number of men, and ten men for every gun. If, then, we vote an addition to our navy to-day of five hundred guns, we vote for the addition of five thousand men to the naval establishment. With this there was to be a repeal of the limit of enlistment. The bill came forward as a war measure; for, he asked, could anybody point to a naval peace establishment which required twelve millions per annum; without counting the men to be enlisted afterwards, swelling the entire amount to \$18,000,000, when the expenses of the whole Government, according to the estimates, were but twenty-one millions? If the bill reported by the Senator from Maine (Mr. FAIRFIELD) should be adopted, leaving out the proposition of the Senator from Indiana, (Mr. HANNEGAN,) we should have this amount of thirteen millions, out of the twenty-one millions, for naval defence. He was opposed to the bill, on account of the enormity of appropriation for any single arm of national defence; more than that, he was opposed to it as a war measure. He was opposed to it, because he was not willing that the American Senate should, by passing it, declare to the American people and to Europe, that we had an idea of war, and therefore deemed it necessary to make warlike preparations. He trusted that he had some fair perception of what every nation was bound to do for itself. He had given some proof of this heretofore. He had voted for appropriations for a judicious increase of the navy of the United States, according to the matured policy which was adopted; and that was, to appropriate about a million a year for a gradual and regular increase of the navy, and its armament and equipment. He had heretofore voted for this appropriation; and as a similar amount appeared in the estimate for the present year, he expected to vote for it again. He had, then, in specific appropriations, shown that he was not at all blind to the propriety of defence. We could all recollect that, ten years ago, we had a large surplus of money, and that various plans were presented for disposing of it. He, at that time, presented one for the permanent defence of the country, appropriating the whole amount for this purpose; but it was subsequently divided among the States. He was not unmindful of the duty of preparing in times of peace for war; and was now ready, as he already had said, to go on with an appropriation for the permanent defence of the country, according to the matured policy and system on which the Government had acted for thirty years. From the conclusion of the late war down to this time, the Government had acted on this policy, duly matured and considered. This he was ready to carry forward; but he was not willing to depart from this policy, this system,



[Mr. Sum.]

*Augmentation of the Navy.*

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and plunge into a war measure, when every thing around us indicated peace. If war should come, then he would vote adequately, with no stinted hand, every thing which the service of the country required. He was against increasing the navy beyond the limit adverted to, in time of peace. If war should come—and he would do nothing which seemed to announce it—it would be seen that he was not disposed for half-way measures. But he was against any measure which was questionable or debatable on its face; and he hoped that his position, in war or peace, would never be questionable or debatable. We should, with regard to this subject, act clearly, distinctly, and definitively, that the country may not be deceived. We have not precisely a naval peace establishment. Since he had been here, various bills had been brought in for this purpose, and the question discussed.

In 1841, the Senator from Virginia (Mr. ALEXANDER) reported a bill for the organization of a permanent peace establishment. Restriction after restriction had been prescribed by Congress. Then the whole number was eight thousand men, and the estimates six millions of dollars; but the Administration of that period run up the number of men and officers, in the twinkling of an eye, to eleven or twelve thousand, at an expense of eight millions of dollars; and a plan was sent in by which the number might be carried up to fifteen thousand, by adding an additional number of guns to the navy; and for what purpose? That of putting a squadron, consisting of two ships of the line and eight smaller vessels—where? In the Mediterranean Sea, and for the avowed purpose of protection, where, when the right bank was held by piratical vessels, a few small vessels were found sufficient for the protection of the British revenue. Subsequently, however, the naval establishment was required to fall back to eight thousand men by the expiration of the period of enlistment. The expenditure had been diminished to what it was in 1841. Congress took the Secretary and the navy, turned them round, and walked them back to what they had previously been. Since that period, the establishment had been carried up about a thousand; and let but an order issue from the department and five thousand may be added to it, and thus would have to be added—ten men to a gun—fifty guns and five hundred men to every frigate. The ships were now building, although some time must yet elapse before they would be ready for their armament. He asked the "friends of the navy," those called so by way of pre-eminence, (though he was himself a friend of the navy,) what they conceived would be the consequence of keeping up so large a naval establishment in the country? What would be the effect of such a war establishment, when our destiny, resulting from the laws of God and from geographical position, as well as our institutions,

is peace? Did gentlemen consider what would be the effect of a permanent naval war establishment in time of peace? Great Britain had no idea of such a thing as that; she who keeps up a navy for the purpose of offence as well as defence over the four quarters of the globe. Even she had no idea of keeping up a war establishment in time of peace. The ordinary expenses of her navy were from five to six millions sterling, or less than one-third the amount of her war establishment. And were we to have a navy at the same expense in peace as in war?—increased twice the amount of what it was? Were we to double, and take one jump from six millions to twelve? He was utterly opposed to it, and he wished gentlemen to look to the organization of a naval peace establishment.

At the close of General Jackson's administration, four thousand men and an expenditure of three or four millions for the navy were considered extravagant. But they had doubled since. And were we prepared to double and double, and carry six millions to twelve millions? He repeated, that there was now in the estimates from the Navy Department, one million and fifty thousand dollars for the increase, repair, and armament of the navy. He would vote for that with pleasure. And with this regular increase, he thought that we were going on as fast as the country increased, and a great deal faster. The world had changed. Thirty years ago the West Indies and the Mediterranean were infested by pirates; but now the whole world was reduced to order, and commerce was safe everywhere. In the Mediterranean Sea there was no more danger than in the Chesapeake Bay. And it would be far better that our ships should remain in the Chesapeake Bay, that the money might be spent at home and not abroad. If they were not to remain in the Chesapeake Bay, let them be distributed, according to the idea of distributing offices, to the seaboard towns, that every one may have his share. There was no more necessity for a squadron in the Mediterranean than in the Chesapeake Bay to protect our commerce. There was no necessity, in a peace point of view, or a war point of view, for doubling our navy, as now proposed by this bill. He would go against it as a war measure. The motion which he should make was, that the bill be postponed to some day far distant in the session. Everybody said they would not want the vessels for some time, and therefore he saw no necessity for a war measure to-day. If gentlemen were ready for the question he would vote against the bill; if they were disposed to lay it over for a few months, to see what will turn up, he had no objection. Mr. B. (at the suggestion of several Senators) moved that the bill be postponed until the first Monday in May.

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Oregon.

[29TH CONG.]

## HOUSE OF REPRESENTATIVES.

TUESDAY, JANUARY 27.

Oregon.

On motion of Mr. HOPKINS, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. TIBBATS, of Kentucky, in the chair,) and resumed the consideration of the joint resolution of notice.

Mr. DOUGLAS, (chairman of the Committee on Territories,) who was entitled to the floor from yesterday, addressed the committee.

Mr. Chairman: Had a foreigner been present during the progress of our proceedings and listened to the debate which has taken place in this House upon the pending question, he would have come to the conclusion that we were gravely discussing the propriety and policy of a declaration of war with Great Britain. Gentlemen who have spoken in opposition to giving the notice have almost invariably placed their opposition on the ground that it was a hostile measure, and tantamount to a declaration of war. They have denounced those of us who advocate the notice as the war party, and then they have been eloquent in their description of the blessings of peace, and they have drawn frightful pictures of the horrors of war. Sir, I am unable to coincide in opinion with these gentlemen, that the convention of 1818 was a substitute for war, and that its annulment would be the dissolution of the amicable relations subsisting between the two countries. I do not understand such to be the object, or the effect, or the history of that measure. If gentlemen will but reflect for a moment, they will find that the convention of 1818, which, renewed by the convention of 1827, we now propose to terminate, was entered into more than three years after the close of the last war, at a time when this country was at peace with the whole world, and when there was not even a cloud to darken our national horizon—when there was neither war, nor the fears, nor the panics of war. It was a mere peace measure—a regulation for the government of certain interests between the citizens of the two countries without having any reference to war or relation at all to war. The treaty itself shows that such was its object; and it shows another fact, which is more important in the discussion of this question, which is, that the parties to the treaty or convention never intended that it should be a permanent measure in regard to that country. First, the convention of 1818, by its own terms, was to terminate in ten years from its date, and at the end of that period of course the two parties would stand in precisely the same relation to each other in respect to their rights as they did before it was formed. Then, suppose the treaty of 1818 had been suffered to expire by its own termination in 1828, I ask gentlemen whether the two countries would then have been at war with each other? Or would they not, in other words, have been in a state of peace, with their rights situated

precisely as they were before that convention was formed, and as they would have been if that convention had never been entered into? But, sir, unfortunately, in my opinion, (and I say this in no terms of reproach,)—unfortunately by the treaty of 1827, that convention was continued in force indefinitely, with the right to either party to terminate it whenever either should think it for their interest to annul it. And, sir, that clause for its termination was put into that convention for the very reason that the two powers saw at the time that the convention was intended for the regulation of a country and of interests which would undergo rapid changes, and that that country and those interests would require such changes for their government as the condition of that country and of those interests themselves underwent. They foresaw these changes which were to take place, and they therefore made provision for the termination of this treaty whenever, in the judgment of either party, it should fail to be beneficial to either country.

We now propose, on the part of the United States, to give notice for the termination of that treaty of 1827, which continued in force the convention of 1818; and we are met by the declaration that this notice is a hostile movement—that it is a *war measure*—that it is equivalent to a declaration of war by this country against Great Britain; and hence we are called upon to pause and reflect before we make this movement, which may bring the thunders of the British fleet and of the British army to our shores; and appeals are made to our fears in order to deter us from adopting this measure. Sir, I know not whether the giving this notice and the annulment of the treaty may lead to war or not; I know not whether war will be the result. But, sir, there is one thing which I do know—and a thing which is far more important in the decision of this question than the other—and that one thing is this: that the giving of this notice will afford no just cause of war. It is immaterial with reference to influencing our decision of this question, whether war is to be the consequence or not; but it is important for us to inquire whether the act we are about to perform will give good ground of offence—just cause of war. If it will, we ought to pause and consider well before we proceed. But if it give no just cause of war, it is no argument that Great Britain will choose to *make* it a cause of war.

Then let me inquire of gentlemen, what treaty stipulation does this notice violate? What principle of the two nations does it infringe? What established right does it invade? I apprehend no gentleman will attempt to point out the right, the treaty, or the law, to be violated by it. What cause of offence, then, I ask, does it afford? None at all. The giving this notice is an exercise of the right secured by the treaty itself. It is the execution of the very treaty. And will it be said that the carrying that treaty into effect, in the mode

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prescribed by its own terms, will be a cause of war? No, sir; no gentleman will pretend, in this argument, that the giving this notice is a cause of war. "But," say they, "it will lead to war"—yes, "*lead*" to war—and therefore the notice ought not to be given."

Having, as I think, shown by a reference to the treaty that we have the *right* to give the notice as a peaceful remedy, I now propose to inquire, for a moment, what will be the effect of that notice, not only upon the rights of the parties, but upon the relative position of the parties to each other.

Sir, when the notice shall have been given, and when the convention shall have been terminated, the United States and Great Britain will occupy the same relative position to each other that they occupied before the convention of 1818 was entered into. What was that position? A position, sir, of profound peace. It was not a state of war, but a position of profound peace towards each other. But what will be the rights of the United States then? The rights then will be these: The United States will be entitled to the actual exclusive possession of the valley of the Columbia River, and will be entitled to continue in possession of that valley while treating of the question of title. I wish gentlemen to understand me in this position. The effect of giving this notice will be to give to the United States the undeniable right to the exclusive possession of the valley of the Columbia River, and the right to hold that possession while treating of the title. Sir, that right was secured by the treaty of Ghent. If gentlemen will reflect a moment on the history of this question, they will find that, at the breaking out of the late war, the valley of the Columbia River was in the possession of citizens of the United States; that, during that war, it was captured by Great Britain; and that by the treaty of peace it was provided that all countries captured by Great Britain should be restored to us. I hold in my hand the first article of the treaty of Ghent. In it, it was agreed that "all territory, places, and possessions, whatsoever, taken by either party from the other during the war, or which may be taken after the signing the treaty, excepting only the islands hereinafter mentioned, [in the Bay of Fundy,] shall be restored without delay."

The treaty of peace then provided for the restoration of all places, possessions, or territories captured by either party. Sir, as quick as that treaty was ratified and published to the world, the American Government demanded of Great Britain the restoration of the valley of the Columbia River in pursuance of the treaty. What did Great Britain do? She objected; she set up a claim to that country; she said it was a part of the British empire. But, sir, you find by examining the negotiation at that time, that notwithstanding all her objections, when Mr. Rush replied to them, that by the treaty we were entitled to the full posses-

sion, or repossession, (in his own language,) she admitted that right, and she acknowledged that the United States under the treaty of Ghent were entitled to the actual, the full repossession of the valley of the Columbia, and that we had the right to remain in possession while negotiating of the title. Yes; Great Britain not only made that acknowledgment, but she sent her fleet armed into the Pacific Ocean, she took on board the United States agent, and there *actually* surrendered up the country to the United States in conformity with the treaty. Sir, I propose now to read that surrender, that the House may understand what are our rights under the treaty of Ghent, by the acknowledgment of the British Government herself.

This, Mr. Chairman, it will be seen, is the acknowledgment—the certificate of surrender by the British Government of the settlement of Fort George on the Columbia River in pursuance of the treaty of Ghent. That surrender refers to the first article of the treaty of Ghent as the clause of the treaty under which that surrender was made. The first clause of the treaty of Ghent provides for the full restoration without delay of any country captured during the war. Then, Great Britain, in pursuance of that treaty, did surrender the settlement of Fort George in the Columbia valley. That settlement was not merely a fort; not merely a fort was surrendered, but the settlement comprising Astoria and several other posts, and that settlement commanding the whole valley of the Columbia River. It was, then, the valley of the Columbia that was surrendered by the British Government, which Government then acknowledged the right of the American Government "to be reinstated, and to be the party in possession while treating on the question of title."

That was the relative position of the two parties prior to entering into the treaty of joint occupation—the United States in possession, Great Britain setting up a claim, but acknowledging our right to the possession while adjudicating the claims of the respective parties. That would have been our right had it not been for that treaty. That treaty suspends that right; but it provides that nothing in it shall be construed to impair or affect the rights of either party. Hence, if you terminate the treaty, if you annul the treaty, the right of the United States to exclusive possession under the treaty of Ghent is revived, and Great Britain cannot—dare not—resist the restitution of that valley. It is no cause of war—no war movement. It is carrying into effect our treaty stipulations; and the effect of giving this notice will be to suspend the joint occupancy, to restore possession to us; and when in possession, we will be ready to treat upon the title, and not till then. Is it, then, a matter of no consequence which party is in possession while treating upon the title? Carry on the negotiation now, leave the treaty of joint occupation in force, and Great Britain is the party in

possession; but give this notice, terminate the treaty, and the United States will be the party in possession. Then, can you say that there is no object in giving this notice? The object is simply as to who shall have the peaceable right to the unmolested possession while negotiating on the title; and if negotiations should commence and should be terminated because no ground can be found on which the parties can agree, is it a matter of no consequence whether we are in possession, peaceable possession, possession by actual surrender, or whether Great Britain shall be in possession, and we have to turn her out? But gentlemen may say that Great Britain will never acknowledge this exclusive right of the United States to the possession of the valley of the Columbia before the question is settled. In reply to this, I say that Great Britain has acknowledged that right; and that she has not only acknowledged it in words, but by a solemn act, that must stand prominent in the history of that Government; so long as that history shall exist, she has estopped herself from denying our right to the possession. She has once acknowledged it, and has once restored possession under that acknowledgment. Can she refuse again to make a similar restoration, when the parties in respect of their rights, are similarly situated? If she does refuse to make that restoration when the notice shall have been given and shall have expired, she will have to violate her solemn treaty stipulations; she will become the aggressor; she will be violating her plighted faith in the eyes of the civilized world; and she dare not take the responsibility of such an act of perfidy and bad faith after she herself has once acknowledged her obligations by performing the same act of surrender.

Hence I insist that the notice is the rightful remedy, that it is the peaceable remedy, that it is the only peaceable remedy by which we can get possession of the valley of the Columbia. It is the *only* one; and any man who refuses to go for this peaceful remedy, must either avow himself against the possession of the valley of the Columbia, or he must avow himself in favor of *war* as a substitute for this peaceful remedy.

Gentlemen who oppose giving the notice say that they are for getting possession. But how getting possession? Why they are for continuing the treaty of joint occupation in force, and then for stealing possession in violation of that treaty of joint occupation. Yes; they are for adopting the high, the chivalrous course of stealing into that country under a treaty of joint occupation, and then seizing it in violation of the treaty itself. Will that not lead to war? Is that the peaceful remedy? Will not that wound the pride of the British Government? Sir, I aver that the attempt to carry that policy out leads inevitably to war; and not only to war, but it puts us on the wrong side. It convicts our Government of an act of duplicity and perfidy. It arrays the whole

civilized world against us, and renders us subject to the charge that we are faithless and dishonorable. But if we rely on the treaty stipulations of the country—if we stand high on our undeniable rights, and give the notice according to the treaty, and demand possession under the treaty of Ghent, and insist upon it—if we require the surrender, as we have done once before—then, sir, we get peaceful possession of that country; and when in peaceful possession, we can then stand on high ground and say to Great Britain, "Certainly we deprecate war; we are ready to negotiate, and are willing you should take your own time to bring that negotiation to a determination. You may do it with all the care, with all the deliberation you may desire; and you can take your own time to terminate it." But, in the mean time, we are in possession, with the acknowledged right of possession, until we arrive at an amicable adjustment.

Such I conceive to be our rights under the convention between us and Great Britain, and such the reason which should impel us to pursue those rights strictly, and not be guilty of any violation of right which would put us in the wrong. Sir, when we shall have recovered the possession of the valley of the Columbia under this peaceful remedy, and our people shall be there in the unmolested enjoyment of their rights, their settlements spreading both on the north as well as the south side of that river, and upon all its different branches and tributaries—(while these negotiations for the settlement of the title are proceeding, we find that our interests are not only becoming more important, but that our power is becoming swelled and tripled, and that, too, by a fair, straightforward, honorable course of proceeding)—Great Britain will discover then that it is impossible to turn us out of that valley, even if she should try. She will see then that this people are strong enough to maintain their rights; and she will that moment relinquish all claim to the valley of the Columbia.

But I choose to be frank and candid in the declaration of my sentiments on this question. For one, I never will be satisfied with the valley of the Columbia, nor with 49°, nor with 54° 40'; nor will I be, while Great Britain shall hold possession of one acre on the north-west coast of America. And, sir, I will never agree to any arrangement that shall recognize her right to one inch of soil upon the north-west coast; and for this simple reason: Great Britain never did own, she never did have a valid title to one inch of that country. The question was only one of dispute between Russia, Spain, and the United States. England never had a title to any part of the country. Our Government has always held that England had no title to it. In 1826, Mr. Clay, in his despatches to Mr. Gallatin, said: "It is not conceived that the British Government can make out even a colorable title to any part of the north-west coast." Not that she could not make out a

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title; not that she could not make out an incontrovertible title; but that she could not make out a colorable title—not a shadow of a title—not so much of a shadow as would give coloring to the transaction. That was the doctrine of our Government twenty years ago. That title has undergone no changes since, for the joint occupation has been in force; and the treaty of joint occupation provided that the rights of neither party should be affected or impaired thereby. Our Government has held ever since that our title is clear and unquestionable.

I do not propose to go into the history of that title. I do not deem it necessary to go into an elaborate discussion of the various modes by which title to an unoccupied country may be acquired; nor do I deem it necessary to trace the devious course of diplomacy and discovery upon that coast for the last three centuries. I am willing to leave the question of title upon the discussions that have taken place between the accredited agents of the two Governments, and invite the enlightened judgment of the civilized world upon that title as shown by the two Governments themselves. I will only say that we do hold the valley of the Columbia in our own right by virtue of discovery, exploration, and occupation, and that we have a treaty-right in addition through the Louisiana and Florida treaty. In olden times, the English colonies on the Atlantic coast extended, by virtue of their charters, to the Pacific Ocean; but by the treaty of 1763 the Mississippi was fixed as the irrevocable boundary between the French and English possessions in North America, and England relinquished her claims upon this continent west of that river to France; France transferred them to Spain; and, by the treaties of Louisiana and Florida, the Spanish title, the French claim, and the British pretensions, were all united and vested in the United States, and added to our title to the valley of the Columbia by discovery. Sir, that Spanish title, extinguishing the English and French title, was valid from California to the Russian possessions. It is true that it remained a question of dispute between Russia and the United States as to where the northern boundary was, but it is indisputable that the Spanish title, by discovery, extended as far north as Mount St. Elias, in latitude 61°; and it is indisputable that our title now is valid to that mountain, unless we have surrendered it by subsequent treaty stipulations. The joint occupancy, it is acknowledged, did not surrender it. The only treaty, then, which it is pretended can surrender it at all, is the treaty with Russia in 1824. I will not go into the discussion of this question, but I will invite the attention of gentlemen to the fact, which they will find, by examination, that the treaty with Russia fixing the boundary at 54° 40' is not a treaty of boundary, not a treaty for the settlement of territorial limits, but a treaty of navigation and trade with the Indians

precisely the same as the Nootka Sound treaty—almost word for word, and letter for letter, the Nootka Sound treaty repeated; and any man who believes the Nootka Sound treaty not binding, is impelled to the conclusion that we have a right to give this notice, and to terminate the treaty with Russia, fixing the boundary of 54° 40' any day we please. I do not now intend to raise that question, but I would do no act which will compromise our rights in future for the purpose, if it becomes necessary to assert that claim, to keep Great Britain off the north-west coast; then, I say, I will raise it, and I can demonstrate our rights beyond that line, and far enough to exclude Great Britain from that coast.

Sir, the value of the Oregon Territory is not to be measured by the number of miles upon the coast, whether it shall terminate at 49°, or at 54° 40', or reach to 61° and the Arctic Ocean. It does not depend on the character of the country nor the quality of the soil. It is true, that consideration is not unworthy of attention; but the great point at issue, the great struggle between us and Great Britain, is for the freedom of the Pacific Ocean, for the trade of China and of Japan, of the East Indies, and for the maritime ascendancy on all these waters. That is the great point at issue between the two countries; and the settlement of this Oregon question involves all these interests. And in order to maintain these interests, and secure all the benefits resulting from them, we must not only go to 54° 40', but we have got to exclude Great Britain from the coast *in toto*.

Our Spanish title is valid enough, it is broad enough, and long enough, to cover the whole country and accomplish that object. Sir, I do not purpose to argue the Spanish title. There is another principle which has been advanced by this Government as the settled policy of this country, which is sufficient for my purpose to settle this whole question. I allude to the memorable declaration of Mr. Monroe, that "the American continents are henceforth not to be considered as subjects for future colonization by any European power," and to the repetition of that declaration by Mr. Polk, to which I wish particularly to call the attention of gentlemen—"that it should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted, or established on any part of the North American continent." Sir, when I saw that declaration in the President's Message, I was willing to forgive him from the bottom of my heart for the offer of the 49th parallel in August last—when I saw that he withdrew that proposition, after it had been rudely rejected by England, that he asserted our title to the whole country, that he recommended the notice, the extension of our laws, the establishment of forts, the raising of mounted men, the establishment of mail lines, and, what was better than all, that he

laid down the great American principle, that it "should be distinctly announced to the world as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent." To what did the President refer in this declaration? Why, he says he refers to the "North American continent." What part of it? Certainly not Mexico or California, for they are not European colonies. Certainly not to Canada, Nova Scotia, or New Brunswick, for they are old colonies long since established; and the President says that "the existing rights of every European nation should be respected." Certainly not to the Hudson Bay Company; if he did, it would then extend the principle a little further, or to the Hudson Bay, as well as to Oregon. To what did he refer? Why, evidently to that part of the North American continent which now remains vacant and unoccupied; for he says "that no future European colony" shall be planted, with our consent, on any part of the North American continent. If he had referred to the old colonies, he would not have spoken of "future" ones; if he had referred to those long since planted, he would not have spoken of colonies *hereafter* to be planted. He, then, referred to the vacant and unoccupied part of North America; and the west of the Rocky Mountains is that vacant and unoccupied part in reference to which he says "no future European colony or dominion shall, with our consent, be planted or established" there, or on our north-west coast. And here let me remark that there is no chance for equivocation, for evading the position, because England has now no colony on the north-west coast. She says she has no colony there. If you look into the act of Parliament extending her laws there, you will see she uses very emphatic language. She says it is an Indian country.

[Mr. D. read the extract from the act of Parliament referred to.]

Yes; she then spoke, when she extended her laws over Oregon, of it as being an Indian territory not within the Canadas, not within the Hudson Bay Company's jurisdiction, and not within any of the British colonies in North America; and this is the very section of country to which Mr. Polk refers when he says that "no future European colony or dominion shall, with our consent, be planted or established on any part of the North American continent." Now, suppose you formed a treaty on the line of 49°, and establish that as the boundary; is that not giving "our consent" to the establishment of a British colony on our continent? Suppose you agree to 54° 40' do you not thereby give "our consent" to the establishment of a "future European colony" north of that line, and yet upon the North American continent? Clearly, sir. Any treaty of boundary on the northern part of Oregon would be an act, a solemn act of "consent" by this Government to the establishment of a future European

colony on this continent. But the President has announced distinctly to the world, as our settled policy, that that consent cannot be given. Sir, he who knows the character of the man—he who knows the stern integrity of his political character—he who knows the consistency of his whole public life—he who knows his fidelity to his principles, must know that, during his four years, this "settled policy" will not be unsettled by him. Sir, he is not the man to put the distinct declaration forth to the world in the name of his Government of a settled policy, and then to sneak back from it, to violate it, to disgrace himself and his nation, during that very presidential term in which he gave the notice. Then, I say, that during these four years, it is a settled, irrevocably settled question, that no treaty fixing a boundary for the northern part of Oregon can be made. Sir, the making of any treaty fixing a boundary, would be a palpable violation of the very principle the President has put forth in his Message. Bearing this point in mind, gentlemen will easily understand the meaning of the President in all his recommendations—when he said that no compromise of this question could be made which the United States ought to accept—when he said that he reasserted our claim to the whole continent, and maintained it by irrefragable facts and arguments—when he said that the notice must be given, and the exclusive possession regained—when he said our laws must be extended there—when he said that at the end of the year the time would have arrived when we must either maintain our claim or abandon the whole of it.

But gentlemen say we must not assert this broad doctrine—this principle of American independence of all European crowns—because they say it will lead to war. Well, sir, as I before remarked, I know not whether it will produce war or not; I care not whether it will produce war, so far as it will have an influence upon our action; although I am not for war, I prefer war to the abandonment of duty and honor. Did our forefathers abandon their resistance to the stamp act because it would lead to war? There was a panic party in the country then as now—a peace party; but they did not abandon their resistance, nor did they abandon the declaration of independence, because it would lead to war. They only stopped to inquire as to the question of right: "Does our duty to ourselves and to our country require us to do it? and if so, we will do it at the hazard of life, property, and sacred honor." That was the principle that animated them.

Sir, at a later period the States of this country did not abandon the embargo because it would lead to war. They did not relinquish their opposition to the impressment of American seamen because it would lead to war. At a later date they did not falter on the French indemnity because it would lead to war; nor upon the right of search, nor at a still later day

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on the Texas annexation. Sir, the war argument, the war panic—that stereotyped argument of all men that predicate their action upon the timidity of the people—their war argument was used then as it is now. The only question, then, for us to determine, is, as our forefathers did, Is this policy right? Have we the right to maintain it? If we have the right, it is our duty to maintain it at the hazard of war: 1st, sir, in demanding and obtaining exclusive possession of the valley of the Columbia River, as a peace-measure under the treaty of Ghent; 2d, in refraining from all and any negotiation about title until our possession shall be restored; and 3dly, in maintaining this position of undying, unyielding opposition to any future European colonization on the American continent. Do this firmly, boldly, unitedly, and let the consequences, sir, take care of themselves.

Sir, I have one word to say upon the subject of arbitration, as I had the fortune at an early part of the session to introduce a resolution against arbitration. I announced my opposition to arbitration then. Why? Because I believe that the American people, being a peculiar people, with a peculiar system of government unlike that of the balance of the world, which excites the prejudices of the other nations of the world against us, it would be unsafe trusting our rights in their hands. But, say gentlemen, “we dare not, in the eyes of the civilized world, refuse arbitration.”

But did not Great Britain refuse arbitration with Spain in regard to this same Oregon Territory in 1790? Again: Did not our Government refuse arbitration in 1815, as to the point whether Great Britain should restore us possession under the treaty of Ghent? Yes; England refused it in 1790, and then offered it in 1815, and we refused. Can it be said, after these two refusals by the two Governments, that we cannot hereafter refuse arbitration? No, sir.

Mr. D. proceeded to say one word as to the importance of Oregon, and in relation to the aggressions of England, and he had done. He had already remarked that the great issue depending on this Oregon question was the right of the freedom of the seas. It has been the policy of Great Britain for the last century to seize upon every strong point, maritime and military, over the whole world; and it has been the means by which she has maintained her ascendancy. Her own insulated position and her geographical location naturally control the trade of the Baltic and of northern Europe. By her Gibraltar, Malta, and the Ionian Isles, she controls the trade of southern Europe, of northern Africa, and western Asia, and converts the Mediterranean Sea into a British lake. By her possession of St. Helena, she commands the African coast. By her Falkland Isles and the Cape of Good Hope, she guards the only navigable avenues to the Indies. By her possessions of Canada, New Brunswick and Nova

Scotia, of the Bahamas and the Bermudas, she stretches almost around the United States, prescribing limits to our improvements and growth, and dictating terms to our intercourse with foreign nations. She has already stretched her military network nearly around the continent of North America, and has innumerable fortified islands on the Pacific—each island a British garrison, dictating terms to commerce, and allowing no ship to sail or flag to wave, except at the dictation of a British governor or a British fleet. This system of British policy is now progressing. She has got almost exclusive control of the Atlantic, and now is endeavoring to get a like preponderance in the Pacific. But by this Oregon Territory you open an overland communication to China—a route that can be run in half the time, and by which we can reach the East Indies and all the islands of that ocean through Oregon, across the mountains—and you destroy her whole policy, and her ascendancy on the seas. But this policy of hers is only to be carried out and perfected, by having possession of Oregon, and the maritime portion too; and I need not tell gentlemen that that maritime portion is north of 49°, in the Straits of Fuca, Vancouver's Island, and the innumerable islands of that coast. Why, the maritime power of the world, from the Newfoundland fisheries on the Atlantic to the islands in the China seas, he need not tell gentlemen, is north of 49°. Surrender that line, and we surrender the maritime power of the Pacific into the hands of Great Britain; and we make her ascendancy complete over the seas, and then we should find that it would also be complete upon the land.

These were the considerations which lent importance to the Oregon question—the considerations which make Great Britain, while she says that Oregon is a barren rock, a waste desert, not worth having, so tenacious, nevertheless, that she will not divide it, and take one-half when it is offered to her, because she wants the whole of it. It is of no importance to her whether it is a barren rock or a fertile garden. What matter is it to her whether the Bahamas, the Bermudas, Malta, St. Helena, and the Rock of Gibraltar, are each a barren rock or a fertile garden? They are each and all great military and maritime stations, commanding the commerce of the world, protecting and supplying the navies of the seas. Give up to this power, which holds this control over all the balance of the globe, this Oregon Territory, the key to the Pacific, with its harbors, its islands, and its bays, and she is in a position to hold in check all the navies of the world, and that, too, while we will have the opportunity to reap all these advantages, and that by pursuing the peaceful policy which he advocated, by terminating this treaty, by giving the notice, by demanding exclusive possession of the valley of the Columbia under the treaty of Ghent—placing our demand on the impregnable position which she cannot refuse—which she will be

compelled to surrender. When she surrenders that she breaks up the head-quarters of the Hudson Bay Company; their head-quarters broken up, their settlements will be dispersed; an agricultural people will grow up; the game and the furs will vanish, and we be left in exclusive possession of the country by the natural progress of things, without war, without force, without violation of treaty, and without infringement of the rights of others. All these things would naturally and peacefully fall into our hands if we would only pursue this policy.

WEDNESDAY, February 4.

*Oregon.*

The House again resolved itself into Committee of the Whole on the state of the Union, (Mr. TIBBARTS, of Kentucky, in the chair,) and resumed the consideration of the joint resolution of notice.

Mr. BELL was entitled to the floor, and addressed the committee in favor of giving the notice in some modified form. He did not think, he said, that a spirit of procrastination would advance our interests or ultimately secure our rights to the territory, which we regarded as ours. He believed, with a large number of other gentlemen, that something ought to be done; but as to what that something was, he might differ with others. But his mind was so clear that inaction was doing us incalculably more harm than even rash action could, that he believed it was time we should assert our title, and terminate the convention of 1827 in some form or other. He would not give this notice in a spirit of rashness or braggadocio, as if we were disposed to bring upon ourselves all the evils and hazards of war, but he would give it peaceably and calmly. He would take such ground as, before God and man, we believed we could maintain, as well by argument as by battle and the sword. As to whether this measure was a war or a peace measure, he believed it depended much on the tone and temper in which the notice was given; for precisely in the spirit in which it was given, whether of peace or of defiance, he believed it would be received. It was with a view to make it a measure of peace and not of war, that he would go for it. He had no particular objection to the resolution of the Committee on Foreign Affairs, except from the tone in which the notice was proposed to be given. It was, at all events, he thought, questionable in its character, and the very fact that it had been the subject of controversy here should be a reason for a modification in some form or other. There were propositions enough before the committee in the shape of amendments, which would terminate this convention without the manifestation of a hostile spirit, or a liability to such a charge, and he would like to see one of those propositions adopted.

Mr. CHASE addressed the committee at some length in favor of the resolution of notice to Great Britain.

Expressing the reluctance which he felt at this stage of the debate to occupy the time of the committee, giving as the reasons which had induced him to attempt to obtain the floor, the position in which he stood to his constituents, and the attacks made upon the South in the progress of the debate; and premising that, in case we were to be plunged into a war, the South and the North would, as he trusted, be found unitedly coming up to the vindication of our national rights and honor, he proceeded to give a passing notice to the remarks of Mr. HOLMES and of Mr. YANCEY—in the course of which he yielded for explanation to the latter gentleman—and more particularly to refer to the position taken by his colleague, (Mr. EWING,) reading and causing to be read from that gentleman's speech several extracts, covering several points taken by him in the argument, that our title to Oregon is "doubtful," and commenting upon the striking similarity of that gentleman's position and those taken by Mr. Pakenham in his correspondence with Mr. Buchanan.

He then passed to the question of title, and to a brief review of the history of the negotiations and treaties on the subject of the territory on the north-west coast of America, on the part of England, France, Spain, Russia, and the United States, showing that, by our purchase in 1803 of the right of France, in 1819 of that of Spain, and our convention of 1824 with Russia, we had acquired, and now retained, the sole and indisputable right from 42° to 54° 40'—a right acknowledged by England in various acts of her own—and by her acquiescence in other of the aforesaid treaties, in which the right was claimed by other of those powers than herself.

The title then being in us, and having been declared by the Executive to be "clear and unquestionable," he was opposed to the surrender of any portion of the territory up to 54° 40', and to the acceptance, were it now to be offered by Great Britain, of the line of 49°; and without knowing, or professing to know, the views of the President, he expressed the belief that that high functionary would not accept it. He scouted the idea of giving up, under any circumstances, any portion of the soil clearly ours; and referred to the history of Frederick the Great, and of ancient Rome, in illustration of the fact that such surrender, on the part of any nation, was the signal for its downfall, and an invitation to all the nations of the earth to commence their aggressions upon her. If the whole territory up to 54° 40' could be secured, and that speedily, by negotiation, he should be willing to have negotiations again opened; but he was opposed to compromise or arbitration, and rather than surrender one inch south of 54° 40', he declared that he would vote for a declaration of war.



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In the course of his remarks Mr. C. touched upon many other incidental points of the discussion.

Mr. SEABORN JONES next obtained the floor; and having ascertained from the Chairman that a further amendment was not now in order, he sent up the following, which he gave notice he should move when in order, as an addition to the resolution reported by the chairman of the Committee on Foreign Affairs:

*Resolved*, That the people of the United States have full reliance upon the discretion, the patriotism, and the wisdom of the President, and those advisers whom the constitution has placed around him; and feel willing, should negotiation be renewed, to submit the rights of the United States to his care, management, and protection, with an entire and abiding confidence, that those rights, the honor and best interests of the United States, will be sustained, defended, and protected.

Mr. J. proceeded to give the reasons why he should vote for the resolutions of the committee, and should ask this amendment to be appended to it. Spain was entitled by discovery to the whole of Oregon. It was not a question in the mind of any man that she did first discover the north-west coast of the American continent, and, by that discovery, gave to herself the right of settlement. If that right was not exercised in a reasonable time, any other nation might make settlements there, and deprive her of the right acquired by discovery. Had any other nation gone there and made settlements, so as to deprive Spain of that right? He wot not. He did not believe any gentleman could tell when any other nation had acquired a right which would take away from Spain that right acquired by discovery. He referred particularly to that part above 49°; for he should contend that the United States was the only nation that had interfered with this right of discovery, by the exploration and settlement of the Oregon valley. Spain, then, having acquired this right, by the convention of 1819 transferred all her right to the United States. But we were told by the British commissioners that the Nootka Sound convention gave England the right. In refutation of this position, Mr. J. referred to the treaty of Great Britain with France, in 1763, by which she acknowledged and irrevocably gave up to France all the territory west of the Mississippi; and to the treaty by which, in 1803, we purchased all this right of France; examining minutely the provisions and effects of these treaties, and contending that England, having thus surrendered all her rights, could not now set up a claim to any portion of that territory. He also alluded to the discovery of Captain Gray of the mouth of the Columbia in 1792, and to the exploration of Lewis and Clark, under the direction of the President, of that river, from its mouth to many of its sources; and he argued that we had the entire right to the valley of the Columbia, from all these foun-

dations of claim. He urged also that under the Nootka Sound convention, it being only a convention giving her the right of trade and settlement, she could acquire no jurisdiction over the territory, but was of necessity bound by the terms of that convention. He mentioned, in further confirmation of our claim, that our Government having these to this territory, our citizens within the last few years had gone there, not by scores, or by hundreds, but by thousands, and now numbered eight or ten to one of all the inhabitants of that country.

Having demonstrated our clear and unquestionable right to the whole of Oregon, he proceeded to meet gentlemen on their own ground, that perhaps there might be some little doubt on one or another part of our title; but he asked if there was any man in this House prepared to deny that we had the better title to the whole territory? If so, then no other nation could set up a claim to that territory, unless England (in the language of his colleague) was the residuary legatee from Adam to all the earth to which no other nation could show the best possible title. That had been her language to her young daughter; but her daughter had grown up to manhood, not under her fostering care. [Laughter.] Gentleman laughed; but he said *manhood*, for she had proved herself a *man* in her conflicts with the mother country, and when our strength was but three millions, she had proved that the Anglo-Saxon blood had improved by contact with liberty. She had shown the truth of the sentiment,

"Thrice is he armed that hath his quarrel just."

We had dared the power of Great Britain when we were but three millions strong. Should we now cower before her when our population was twenty millions?

But we were urged not to give the notice; and we were told of the power and strength of England—of her steamers, her line of battle ships, and all that vast armament with which she rode over the ocean, and by which she assumed to call herself the mistress of the seas. He (Mr. J.) cared as little for the strength of England as this House, at the last session, cared for the imbecility of Mexico; and he would sooner throw down the gage of battle to the power of bullying England than to blustering impotent Mexico.

This might be considered by England a cause of war; but could it be a *just* cause of war? Let them determine that question, and when determined, it marked our course, and we must be recreant to our duty if we deviated from that course. He argued that it could not be just cause of war, inasmuch as the giving the notice was but the exercise of a right specially provided for by the convention of 1827. Nobody would think it a just cause of war on our part, if she were to exercise the same right, and to give us this notice. He also thought, connected with this, that the extension of our laws

over our citizens in that territory, as she had done over hers more than twenty years ago, and the building forts for the protection of our settlements, as she had done likewise, would not be just cause of war. If it would be, we had been derelict to our duty, and the American Congress had disgraced itself, that it had not declared war on account of these same acts on her part long before this.

But we were told that England would go to war though she had not just cause of war; that she had a large standing army, and extensive navy, and that her armaments were to be found in every part of the globe. Yes, (said Mr. J.,) and she has cause for them.

Mr. J. referred to the situation of things in India and Ireland, and argued that Great Britain would want all her fleets and armies for the security of her possessions in India, and internal tranquillity at home. She had no force to spare for the conquest of any part of the territory belonging to the United States. It had been said that we were in a defenceless condition, and he feared that we were less prepared for war than in 1812, or in the Revolution. He feared that this was the case, not because we were deficient in resources, but because, in our own hearts, we feared the struggle with England. We were told that the British Ministry were wise and sagacious, and that they were unwilling to go to war. He admitted that they were far-seeing and sagacious men, and that they would take a full survey of the question, not confining the view to Oregon, but looking over all their interests. Sir Robert Peel had been called a balance-sheet Minister, for the reason that he had a proper regard for the sources of British power—the sinews of her strength.

He would give it as his opinion, that Great Britain would suffer greater injury from a war than the United States would. We might be very sure that no war would occur very soon; for Great Britain wanted our cotton. If we gave the notice now, she would not declare war upon us until she had got two more crops of cotton to keep her manufacturers employed. He did not believe that England would go to war, except in the last extremity—not from fear, for she was bold and courageous, but because she was too wise to rush into a war upon a doubtful pretension, and without even the prospect of acquiring any honor by it. Would she hazard her commerce with the United States, and, in fact, with all the world, by a war? Would she starve her population and increase her bloated pauperism? Was she prepared for that? Was she prepared to lose the vantage ground which she had gained in the civilized world? A war between England and the United States would give her carrying-trade to Europe, and she never could recover it.

Every act of England was directed to the protection and extension of her commerce. Could she now be prepared to give it up, after having for centuries endeavored to establish it,

and having but one rival at this time—i. e. the United States? He (Mr. J.) did not believe it.

Was she prepared to give up Ireland? The first gun that was fired would be a signal for a demand of the repeal of the union. Where is Canada? In case of a war, the battle would be fought in Canada; and Upper Canada was now ready to strike for liberty, and separation from Great Britain; and he believed that Lower Canada was not in a far different situation. He would not conquer Canada, and then hold it by a military force; but if we opened free institutions to Canada, she would soon ask for annexation to this Union. All this was well known to England, and she feared it too. She knew that she would seal her own destruction by war, and that it would not be greatly injurious to the United States. But suppose that the British statesmen were to overlook all these considerations and declare a war, we were ready for a contest? He believed that after war was declared, there would be but one voice in this country, from the lakes to the Gulf of Mexico, and those were the sentiments which animated us during the Revolution, and which cheered the hero of Bunker Hill, General Warren, when he yielded his life for his country.

You need not fear that England will make war; and if she does, you need not apprehend any thing from the result. Spread only your stars and stripes to the breeze, and the whole people will rally around them. All you have to do is to act upon the maxim of General Jackson, to demand nothing which is wrong—to yield nothing which is right. There was one memorable fact in our history, that no demands had ever been made on our Government for spoils on foreign powers. We had never been guilty of any injustice upon any foreign nation. The flag of our country must ultimately float everywhere over this continent—he did not say by destiny, but by the rapid increase of our people and the diffusion of our principles. Our tree of liberty had been watered by the blood of our sires, and had sprung up to a great height, and, with its wide-spreading branches, would soon overshadow the land.

He had heard with feelings of regret the argument on this floor that England would be obliged to go to war. It reminded him of the officious friendship which is so frequently offered to induce persons upon any slight controversy to believe they were in honor bound to fight. He hoped that Sir Robert Peel would not hear of these arguments, or, that hearing them, he would not heed them; for if he were bound to act according to the recommendations of our own statesmen, he must needs assume a hostile attitude towards us. If left to the suggestions of his own sagacity, and of the interests of England, he would not go to war. Let us (concluded Mr. J.) see what is our own duty, and go forward to discharge it, leaving the consequences to the God of battles.

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Oregon.

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FRIDAY, February 6.

*Oregon.*

The House, on motion of Mr. McKAY, resolved itself into Committee of the Whole on the state of the Union, (Mr. TIBBATS, of Kentucky, in the chair,) and resumed the consideration of the joint resolution of notice.

Mr. JEFFERSON DAVIS addressed the committee during the hour. He knew not (he said) whether he more regretted the time at which this discussion has been introduced, or the manner in which it has been conducted. We were engaged in delicate and highly important negotiations with Mexico, the end of which we had hoped would be an adjustment of our boundary on terms the vast advantage of which it would be difficult to estimate. If, sir, (said Mr. D.,) by this exciting discussion, we shall hereafter find that we have lost the key to the commerce of the Pacific, none who hears me will live long enough to cease from his regrets for the injury our country has sustained. Again, sir, a long peace has served to extend the bonds of commerce throughout the civilized world, drawing nations from remote quarters of the globe into friendly alliance and that mutual dependence which promised a lasting peace and unshackled commerce. In the East, there appeared a rainbow which promised that the waters of national jealousy and proscription were about to recede from the face of the earth, and the spirit of free trade to move over the face thereof. But this, sir, is a hope not so universally cherished in this House as I could desire. We have even been told that one of the advantages to result from war will be emancipation from the manufacturers of Manchester and Birmingham.

I hope, sir, the day is far distant when measures of peace or war will be prompted by sectional or class interests. War, sir, is a dread alternative, and should be the last resort; but when demanded for the maintenance of the honor of the country, or for the security and protection of our citizens against outrage by other Governments, I trust we shall not sit here for weeks to discuss the propriety, to dwell upon the losses, or paint the horrors of war.

Mr. Chairman, it has been asserted that the people demand action, and we must advance. Whilst, sir, I admit the propriety of looking to and reflecting public opinion, especially upon a question which is viewed as deciding between peace or war, I cannot respond to the opinion, nor consent to govern my conduct by the idea, that the public man who attempts to stem the current of a war excitement must be borne down sacrificed on the altar of public indignation. Sir, may the day never come when there will be so little of public virtue and patriotic devotion among the representatives of the people that any demagogue who chooses to make violent and unfounded appeals to raise a war clamor in the country will be allowed un-

opposed to mislead the people as to the true questions at issue and to rule their representatives through their love of place and political timidity.

Mr. Chairman, I have been struck with surprise, only exceeded by mortification, at the freedom with which disgrace and dishonor have been mingled with the name of our country. Upon one side, to give notice, and involve the country in a war, is disgrace; upon the other side, not to give notice, to rest in our present position, is dishonor. And my colleague (Mr. THOMPSON) says "notice" is the only way to avoid war; that to extend our laws over our people in Oregon is war—a war of disgrace. Sir, whence comes this decision, this new light upon the Oregon question? The leaders in the Oregon movement, in other times, held different views. And, sir, the discussions upon Oregon at former periods would certainly not suffer by a comparison with ours; nor, sir, did the commissioners who negotiated the convention of joint occupancy, either English or American, so understand it.

Mr. Gallatin has recently called public attention to the fact, that in 1827, our plenipotentiary refused to agree to any express provision that, in extending the convention of 1818, neither party should exercise any exclusive sovereignty over the territory. The probability that it might become necessary for the United States to establish a territorial, or some sort of government, over their own citizens, was explicitly avowed. Sir, by discovery, exploration, and possession, we claimed exclusive sovereignty over the valley of the Columbia, and our exclusive possession, as against England, was admitted by the restoration of our posts in Oregon—the formal, actual surrender of Astoria. The convention for joint right to trade in Oregon did not destroy our exclusive possession of a part, nor limit the rights or powers we might exercise within their former bounds; and that this is the British construction, is sufficiently apparent by the assertion of rights as derived from the Nootka convention over the same territory.

Nothing can be more demonstrable than the unfitness of joint occupation rights to an agricultural people. It was not designed so to operate, but was designed for a country in the hands of hunters, trappers, and Indian traders.

The Hudson Bay Company, so often represented as colonizing Oregon, has interests directly opposed to agricultural settlements. The fur-trappers have been (if my information is correct) aided in establishing themselves on the south side of Oregon. Fur-trading companies usually require their discharged hands to leave the country, and resist, instead of promoting, colonization—of necessity destructive to their trade. The Puget Sound Company is agricultural, and its settlements are in violation of our convention with England; and the notice required is to forbid such infraction of the treaty. That no right to plant colonies

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can be deduced from the conventions of 1818 and 1827 is too plain to admit of argument. The claim, if any, must be drawn from the convention between England and Spain, called the Nootka convention. If that convention be still in force, it must be because it was the declaration of rights, not the grant of advantages; and thus, for the sake of argument, I will consider it.

That Spain had the exclusive right of occupation on the north-west coast of America, as far as her discoveries extended, was not denied; but the question was, had she, without having occupied the country, an exclusive sovereignty over it? Denying this pretension of Spain, Great Britain demanded indemnification for the seizure of British vessels at Nootka Sound by the Spanish authorities. This led to the agreement upon which Great Britain has built her claim to territory in the Oregon country. Before entering upon the consideration of the terms of the convention itself, I will refer to the events that led to it.

Long before the voyage of Meares, the port of Nootka Sound was known to the Spanish navigators. It was the usual resort of the trading vessels in the North Pacific. Meares, in 1788, visited it, and built a vessel there. For the use of his men, he erected a hut on the shore, by permission of the Indian king, and threw some defences around it, enclosing (according to Vancouver) about an acre of land. Meares, in return for the kindness of the Indian, (Maquinna,) gave him a pair of pistols. In his narrative, he gives a detailed account of the transaction, but does not call it a purchase; that was an after-thought, and first figured in his memorial. Sir, if there had been nothing beyond the narrative of Meares, the temporary character of his location would be fully established. There it appears that when about to sail, leaving a part of his men behind him, he bribed the Indian king, by offering him the reversion of the hut and chattels on shore, to permit his men to remain in peace, and complete the building of the vessel they had commenced.

To show the character of Meares, the purpose of his voyages in the North Pacific, and the country along which Great Britain claimed the right to trade, I will refer to the work of an Englishman, contemporary with Meares, and one of the most enterprising of the navigators of the North Pacific. It is "Dixon's Voyage around the World." Thus it appears that Meares was a fur-trader, and of poor character for his calling; and more important still, it appears that the coast, from Cook's River to King George's Sound, was the extent of the region in which British cruisers traded. This, taken in connection with the 5th article of the Nootka convention, serves to fix the latitude in which joint settlement would be permitted.

The message of the King of Great Britain, communicating the transaction at Nootka, refers only to the seizure of vessels; not a word

about lands of which British subjects had been dispossessed.

And when the proposition to vote an address of thanks to his Majesty for the conduct and successful termination of the negotiation, neither in the House of Lords or Commons did any one claim an acquisition of territory; and to the bitter irony and severe assaults of Mr. Fox upon the position in which the territorial pretensions of England had been left, his great rival, Mr. Pitt, then minister, made no reply, but pressed the commercial advantages gained by England.

The only link remaining to be supplied, and which completes the claim of construction, is the examination and final action of Quadra and Vancouver, when sent as commissioners to carry out the first article of the convention.

If, then, no tracts of land could be found which had been purchased by Meares, if no buildings of which he had been dispossessed, and the Spanish flag was never struck to that of Great Britain, Spain still maintaining her settlement at Nootka; the parallel north of which the joint right of settlement exists must be drawn through the northern extremity of Quadra and Vancouver's Island; the established rule of nations being, that settlement on an island is held to extend to the whole of the island.

Oregon territory, then, is divided into a portion where we have possession above the treaty, and over which we can exercise all the rights not inconsistent with the trade permitted to England; another portion, in which, admitting the Nootka convention to be still in force, we have, with England, a joint right of trade and settlement; this being limited to the south by a line down through the head of the Quadra and Vancouver's Island. Between these portions, if there be any territory, it is in the condition of a joint right in England and the United States to occupy for fur-trade, and the agricultural settlements are in violation of the spirit of the treaty.

Whenever the joint right by convention ceases, we must at once assert our exclusive right, or thenceforward possession matures into right on the part of Great Britain. During the continuance of the convention the title remains unimpaired; we are in possession; can establish over the undisputed part of the territory whatever regulations may be necessary to promote good order, and encourage emigration of agriculturists. Between England and the United States, the party having bread in Oregon must triumph.

No army can be sustained there for any considerable time by either country, if the food must be transported from abroad to support it.

Never had man better right to cry, "Save me from my friends," than the President of the United States on this occasion. His positive recommendation has been made subordi-

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nate to his suggestion. He has urged to extend protection to our citizens in Oregon, but advised that notice be given to terminate the treaty of joint occupancy for reasons given. All this has been reversed, and the positive, unqualified declaration of a perfect title to the whole of Oregon up to 54° 40' comes strangely from those who claim to support an Administration that has offered nearly the same compromise line which had been time and again proposed by his predecessors. Sir, for the honor of my country, I hope that we have not been for thirty years negotiating when there was no conflicting claim; and for past as for the present Executive, I utterly deny that they have ever proposed to cede away a part of the territory, when our title was complete, to appease the voracious demands of England. It was a difficult and doubtful question; it was the adjustment of an undefined boundary. If the President should find himself compelled to close this question in twelve months, without any appropriation, without any preparation, he will be constrained to choose between compromise or war measures with the country unprepared. This will be the result of our action; and if he should effect a treaty by such a boundary as will not compromise the honor of the country, I, for one—much, sir, as I wish to retain the whole territory—will give my full support as heretofore, and prepare for my share of whatever responsibility attaches. Sir, why has the South been assailed in this discussion? Has it been with the hope of sowing dissension between us and our Western friends? Thus far, I think it has failed. Why the frequent reference to the conduct of the South on the Texas question? Sir, those who have made reflections on the South, as having sustained Texas annexation from sectional views, have been of those who opposed that great measure, and are most eager for this. The suspicion is but natural in them. But, sir, let me tell them that this doctrine of the political balance between different portions of the Union is no Southern doctrine. We, sir, advocated the annexation of Texas from high national considerations; it was not a mere Southern question; it lay continuous to the Western States, and extended as far north as the 42d degree of latitude; nor, sir, do we wish to divide the territory of Oregon; we would preserve it all for the extension of our Union. We would not arrest the onward progress of our pioneers. We would not, as has been done in this debate, ask why our citizens have left the repose of civil government and gone to Oregon? We find in it but that energy which has heretofore been characteristic of our people, and which has developed much that has illustrated our history. It is the onward progress of our people towards the Pacific, which alone can arrest their westward march; and on the banks of which, to use the idea of our lamented Linn, the pioneer will sit down to weep that there are no more forests to subdue.

Sir, the gentleman from Missouri has, in claiming credit to different States for services in time past, wandered round Mississippi, and passed over it unnoticed. I wish not to eulogize my State, but, thus drawn to my notice, let me tell him that at Pensacola, at Bowyer, in the Creek campaigns, and on the field to which he specially alluded, (New Orleans,) the people of Mississippi have performed services that give earnest for the future, and relieve her sons of the necessity of offering pledges for her. It was Mississippi dragoons, led by her gallant Hinds, that received from the commanding general the high commendation of having been the admiration of one army and the wonder of the other.

It is as the representative of a high-spirited and patriotic people, that I am called on to resist this war clamor. My constituents need no such excitements to prepare their hearts for all that patriotism demands. Whenever the honor of the country demands redress, whenever its territory is invaded, if then it shall be sought to intimidate by the fiery cross of St. George—if then we are threatened with the unfolding of English banners, if we resent or resist—from the gulf shore to the banks of that great river—throughout the length and breadth, Mississippi will come. And whether the question be one of Northern or Southern, of Eastern or Western aggression, we will not stop to count the cost, but act as becomes the descendants of those who, in the war of the Revolution, engaged in unequal strife to aid our brethren of the North in redressing their injuries.

Sir, we are the exposed portion of the Union, and nothing has been done by this Government adequate to our protection. Yet, sir, in the language of our patriotic Governor on a recent occasion, if "war comes, though it bring blight and desolation, yet we are ready for the crisis." We despise malign predictions, such as the member from Ohio who spoke early in these debates, made, and turn to such sentiments as those of another member from that State, the gentleman near me. In these, was recognized the feelings of our Western brethren, who, we doubt not, whenever the demand shall exist, will give proof of such valor as on former occasions they have shown; and if our plains should be invaded, they will come down to the foe like a stream from the rock.

Sir, when ignorance and fanatic hatred assail our domestic institutions, we try to forgive them for the sake of the righteous among the wicked—our natural allies, the Democracy of the North. We turn from present hostility to former friendship—from recent defection, to the time when Massachusetts and Virginia, the stronger brothers of our family, stood foremost and united to defend our common rights. From sire to son has descended the love of our Union in our hearts, as in our history are mingled the names of Concord and Camden, of Yorktown and Saratoga, of Moultrie and Plattsburg, of Chippewa and Erie, of Bowyer and

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*Relations with Great Britain.*

[29TH CONG.]

Guilford, and New Orleans and Bunker Hill. Grouped together, they form a monument to the common glory of our common country. And where is the Southern man who would wish that monument were less by one of the Northern names that constitute the mass? Who, standing on the ground made sacred by the blood of Warren, could allow sectional feeling to curb his enthusiasm as he looked upon that obelisk, which rises a monument to freedom's and his country's triumph, and stands a type of the time, the men, and the event that it commemorates, built of material that mocks the waves of time, without niche or moulding for parasite or creeping thing to rest on, and pointing like a finger to the sky to raise man's thoughts to philanthropic and noble deeds.

SATURDAY, February 7.

*Relations with Great Britain.*

A message in writing from the President of the United States by the hands of J. K. Walker, Esq., his private secretary, was received.

In obedience to a general call, the message and accompanying documents were read, as follows:

*To the House of Representatives  
of the United States:*

In compliance with the request of the House of Representatives, in their resolution of the 3d inst., I herewith communicate a report from the Secretary of State, with the accompanying correspondence which has taken place "between the Secretary of State and the Minister of the United States at London," and "between the Government of Great Britain and this Government, in relation to the country west of the Rocky Mountains, since the last annual Message of the President" to Congress.

JAMES K. POLK.

WASHINGTON, February 7, 1846.

*To the President of the United States.*

DEPARTMENT OF STATE,  
Washington, February 5, 1846.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the 3d instant, requesting the President to communicate to that House, "so far as, in his opinion, is not incompatible with the public interest, all correspondence which has passed between the Government of Great Britain and this Government, or by or between any of the officers of said Government, in relation to the country west of the Rocky Mountains, since the last annual Message of the President to this House," has the honor to lay before the President the accompanying papers,

All which is respectfully submitted.

JAMES BUCHANAN.

*Mr. Buchanan to Mr. McLane.*

DEPARTMENT OF STATE,  
Washington, December 13, 1845.

SIR: \* \* \* \* \*

The President has received information, from a variety of sources, which he cannot disregard, that

Great Britain is now making extensive warlike preparations. As her relations with all the powers of Europe seem at present to be of a peaceful character, the prevailing and natural inference here is, that these preparations look to a rupture with the United States on the Oregon question. It is of vast importance that this Government should, as early as possible, ascertain their true character. You are therefore instructed to embrace the first opportunity of bringing this subject to the notice of the Earl of Aberdeen, in such a manner as you may deem most expedient.

\* \* \* \* \* The President is also anxious to learn your own opinion upon this subject with the least practicable delay.

I am, &amp;c.,

JAMES BUCHANAN.

LOUIS McLANE, Esq., &amp;c., &amp;c., &amp;c.

*Mr. McLane to Mr. Buchanan.*

LONDON, January 3, 1846.

SIR: I received on the 29th of December your despatch, dated the 18th of that month; and on the day following, I sought an interview with Lord Aberdeen, in order that, in conformity with your instructions, I might bring to his notice the warlike preparations making by Great Britain, and, if possible, ascertain their real character and object.

It will not escape you that upon such a subject it is not always easy to obtain very categorical answers, or entirely definite official information; and I did not doubt that a frank personal conference was the best, if not the only mode of obtaining any satisfactory information whatever.

In introducing the subject, I adverted at the same time to the information the President had received from a variety of sources of the extensive warlike preparations making by Great Britain, and the natural inference upon his part that, in the present pacific state of the relations of Great Britain with all the powers of Europe, they could only look to a rupture with the United States on the Oregon question.

Lord Aberdeen said very promptly and frankly that it would be improper to disguise that, with the sincerest desire to avoid it, they were obliged to look to the possibility of a rupture with the United States; and that in such a crisis the warlike preparations now making would be useful and important; but he stated at the same time, very positively and distinctly, that they had no direct reference to such a rupture; and would have been made, in the same way, and to the same extent, without regard to the relations of Great Britain and the United States.

He also adverted to the fact that such preparations as were actually making had been commenced before the relations between the United States and Great Britain had become as serious as they now appeared to be, and therefore could not at that time have had any connection with difficulties which had since grown out of the Oregon question. He thought, too, that the representations as to the extent of the preparations must have been exaggerated. He denied that they related particularly, as I had been informed, to a distant service, or that they were making any addition to the old form of marine. He stated that the most extensive and formidable parts of their preparations were the fortifications of the principal and exposed ports and stations,

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which he thought could hardly be supposed to guard against invasion from the United States; and to the increase of the number of steam-vessels in lieu of the old craft, which it appeared other nations were about to adopt, and which he confessed he thought a matter of doubtful policy. In short, he assumed the preparations in progress to be only a part of a wise and prudent system of national defence and protection, and of preparing in time of peace for the exigencies of war, if it should unfortunately come from any quarter whatever; and he distinctly repeated his disclaimer that they had particular or direct reference to a rupture with the United States on the Oregon question, or any other ground.

In regard to my own opinion upon this subject, which the President has been pleased to desire,

It is altogether probable that the possibility of other difficulties from other quarters in Europe

may have its influence in dictating the policy of the extensive preparations in progress in all parts of the kingdom; and, with unabated confidence in the frankness and straightforwardness of Lord Aberdeen, and without meaning to distrust in the slightest degree the sincerity of his disclaimers in our recent conversation, I do not think it ought to be assumed by any one that warlike preparations upon such a scale as that upon which they are undeniably making here could not have even an indirect reference to the possible contingency of a rupture with us. And at the same time it is perfectly obvious that they are in a great degree, and especially so far as they consist of an augmentation in the number of steam-vessels and of the naval marine generally, precisely of the character to be the most appropriate and the most useful in a war with our country. I am not prepared to say, nor do I deem it material to decide, how far we have a right to expect an explicit disclaimer of the character and purposes of the warlike preparations now making by Great Britain under the circumstances. They may be the dictate of various motives of policy, and the result of many causes; and, without attempting to assign to each its particular influence, I am by no means prepared to admit that the apprehension of difficulties with the United States had no share in them; and it is very clear that if a rupture with the United States should grow out of our present difficulties, this country will be as fully and effectually prepared for it at all points, and for all possible purposes, as if that, and that alone, had been the object of all her warlike preparations. She will be in a situation to act and strike as promptly and signally as she could have been with her energies exclusively directed to that end; and I feel it my duty to add, that not to expect, in case a rupture becomes unavoidable, that this Government, thus in complete armor, will promptly and vigorously exert her utmost power, to inflict the utmost possible injury upon our country and all its interests, would not be doing justice to such a crisis.

I think it ought to be expected—indeed, from all I learn, I cannot doubt—that, in case of hostilities, the aim of this Government will be to strike its

heaviest blow at the commencement, in the expectation of being thereby enabled to shorten the duration of the war.

I have the honor to be, &c.,

LOUIS McLANE.

The Hon. JAMES BUCHANAN,  
*Secretary of State, Washington.*

*Mr. Pakenham to Mr. Buchanan.*

WASHINGTON, December 27, 1845.

An attentive consideration of the present state of affairs, with reference to the Oregon question, has determined the British Government to instruct the undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, again, to represent in pressing terms to the Government of the United States the expediency of referring the whole question of an equitable division of that territory to the arbitration of some friendly sovereign or State.

Her Majesty's Government deeply regret the failure of all their efforts to effect a friendly settlement of the conflicting claims by direct negotiation between the two Governments.

They are still persuaded that great advantages would have resulted to both parties from such a mode of settlement, had it been practicable; but there are difficulties now in the way, in that course of proceeding, which it might be tedious to remove, while the importance of an early settlement seems to become at each moment more urgent.

Under these circumstances, her Majesty's Government think that a resort to arbitration is the most prudent, and, perhaps, the only feasible step which could be taken, and the best calculated to allay the existing effervescence of popular feeling, which might otherwise greatly embarrass the efforts of both Governments to preserve a friendly understanding between the two countries.

The Government of the United States will see, in the proposal which the undersigned is thus instructed to make, a proof of the confidence of the British Government in the justice of their own claim. They will also see in it a proof of the readiness of the British Government to incur the risk of a great sacrifice for the preservation of peace and of their friendly relations with the United States. It is made in a spirit of moderation and fairness, of which the world will judge.

The British Government confidently hope that the Government of the United States will not reject a proposal made with such a friendly intention, and for a purpose so holy.

There is nothing in it, they are convinced, not perfectly compatible with the strictest regard for the honor and just interests of both parties, particularly when it is considered of what small value to either is the portion of territory which, in reality, forms the subject of controversy, compared with the importance of preserving a state of peace and good will between two such nations.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. PAKENHAM.

The Hon. JAMES BUCHANAN, &c.

*Mr. Buchanan to Mr. Pakenham.*

DEPARTMENT OF STATE,  
Washington, January 8, 1846.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, dated the 27th ultimo, by which, under instructions from his Government, he proposes to the Government of the United States "the expediency of referring the whole question of an equitable division of that (the Oregon) territory to the arbitration of some friendly sovereign or State."

The undersigned has submitted this note to the President, who, after having bestowed upon it that respectful consideration so eminently due to any proposition emanating from the British Government, has instructed him to give to it the following answer:

The British Government do not propose to refer to arbitration the question of the title to the Oregon territory, claimed by the two powers respectively. It is a proposition to refer to a friendly sovereign or State, merely the partition or "equitable division" of that territory between the parties. It assumes the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute. Under this proposition, the very terms of the submission would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claiming the whole before the arbitrator. This, too, in the face of the note of the undersigned to Mr. Pakenham of the 30th August last, by which the President had asserted, in the most solemn form, the title of the United States to the whole territory. Even if there were not other conclusive reasons for declining the proposition, this alone would be deemed sufficient by the President.

The President heartily concurs with the British Government in their regret that all attempts to settle the Oregon question by negotiation have hitherto failed. He cannot, however, concur with that Government in the opinion that a resort to arbitration, and especially on the terms proposed, would be followed by happier consequences. On the contrary, he believes that any attempt to refer this question to a third power, would only involve it in new difficulties.

In declining this proposition, the President refers to the sentiment expressed in the note of the undersigned of the 30th August last, to which allusion has already been made, that he "cherishes the hope that this long-pending controversy may yet be finally adjusted in such a manner as not to disturb the peace, or interrupt the harmony now so happily subsisting between the two nations."

The undersigned avails himself of this occasion to renew to Mr. Pakenham assurances of his distinguished consideration.

JAMES BUCHANAN.

Right Hon. RICHARD PAKENHAM, &c., &c., &c.

*Mr. Pakenham to Mr. Buchanan.*

WASHINGTON, January 6, 1846.

The undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honor to receive the note of the Secretary of State

of the United States, dated the 3d instant, in answer to that of the undersigned dated the 27th ultimo, containing a proposal for referring the question of an equitable partition of the Oregon territory to the arbitration of some friendly sovereign or State.

The undersigned will take an early opportunity to transmit this communication to her Majesty's Government.

The undersigned has the honor to renew to Mr. Buchanan the assurance of his distinguished consideration.

R. PAKENHAM.

To the Hon. JAMES BUCHANAN, &c., &c., &c.

*Mr. Pakenham to Mr. Buchanan.*

WASHINGTON, January 16, 1846.

With an anxious desire to contribute by every means in his power to a satisfactory conclusion of the question pending between the two Governments respecting Oregon, the undersigned, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has reflected on the contents of the note addressed to him on the 3d instant by the Secretary of State of the United States, in answer to that which the undersigned had the honor to address to him on the 27th of last month.

The note of the undersigned proposed to the Government of the United States, that the whole question of an equitable partition of the Oregon territory should be referred to the arbitration of some friendly sovereign or State.

In his answer, the Secretary of State informed the undersigned that his proposition could not be accepted. That it did not propose to refer to arbitration the question of the title to the Oregon territory claimed by the two powers respectively. That in proposing to refer to a friendly sovereign or State merely the partition or equitable division of the territory between the parties, it assumes the fact that the title of Great Britain to a portion of the territory is valid, and thus takes for granted the very question in dispute. That under this proposition the very terms of the submission would contain an express acknowledgment of the right of Great Britain to a portion of the territory, and would necessarily preclude the United States from claiming the whole territory before the arbitrator; and this, too, the Secretary of State goes on to observe, in the face of his note to the undersigned of 30th August, by which the President had asserted in the most solemn form the title of the United States to the whole territory.

It is not the purpose of the undersigned in the present note to renew the discussion as to the title of either party, Great Britain or the United States, to the whole or to any part of the Oregon territory. He must, however, beg leave, with reference to the observation which he has just quoted, to remind the United States Secretary of State, that if the Government of the United States have formally advanced a claim to the whole of the Oregon territory, it is no less certain that Great Britain has, in a manner equally formal, declared that she, too, has rights in the Oregon territory, incompatible with the exclusive claim advanced by the United States.

This declaration, arising from a conviction equally sincere, will, the undersigned is persuaded, be viewed with the same consideration by the Government of the United States, as they expect that their own declaration should receive at the hands of the Government of Great Britain.



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*Relations with Great Britain.*

[FEBRUARY, 1846.]

This premised, the object of the undersigned in addressing to Mr. Buchanan the present communication is to ascertain from him whether, supposing the British Government to entertain no objection to such a course, it would suit the views of the United States Government to refer to arbitration, not, as has already been proposed, the question of an equitable partition of the territory, but the question of title in either of the two powers to the whole territory, subject of course to the condition that if neither should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each.

The undersigned has suggested a reference on the above principle to some friendly sovereign or State.

This the undersigned believes to be the course usually followed in such cases; it is that which has already been resorted to by the two Governments, (and more than once.) But there may be other forms of arbitration, perhaps, more agreeable to the Government of the United States.

There might be, for instance, a mixed commission, with an umpire appointed by common consent; or there might be a board, composed of the most distinguished civilians and jurists of the time, appointed in such a manner as should bring all pending questions to the decision of the most enlightened, impartial, and independent minds.

In the present position of affairs, and feeling how much the interests of both countries require an early as well as an amicable and satisfactory adjustment of existing difficulties, the undersigned earnestly invites the Secretary of State to take the subject of this note into consideration, with a view to such an arrangement on the principle of arbitration as may seem to the Government of the United States to be most just, wise, and expedient.

The undersigned takes advantage of this opportunity to renew to the Hon. James Buchanan the assurance of his high consideration.

R. PAKENHAM.

To the Hon. JAMES BUCHANAN, &c., &c., &c.

*Mr. Buchanan to Mr. Pakenham.*

DEPARTMENT OF STATE,  
Washington, February 4, 1846.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Pakenham, her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, dated on the 16th ultimo, by which he again proposes a reference of the Oregon question to arbitration. Under his present proposition, the powers of the arbitrator would not, as in his last, be limited in terms to the division of the territory between the parties, but would extend to the question of their conflicting titles. There is, however, a condition annexed to this offer, which exposes it to the same objection in point of fact, if not in form, which was prominently presented in the answer of the undersigned to Mr. Pakenham's last proposal. This condition is, "that if neither [party] should be found, in the opinion of the arbitrator, to possess a complete title to the whole territory, there

should, in that case, be assigned to each that portion of territory which would, in the opinion of the arbitrating power, be called for by a just appreciation of the respective claims of each. If the Government of the United States should consent to an arbitration upon such a condition, this might, and probably would, be construed into an intimation, if not a direct invitation, to the arbitrator to divide the territory between the parties. Were it possible for the President, under any circumstances, to consent to refer the subject to arbitration, the title, and the title alone, detached from every other consideration, is the only question which could be submitted. If not confined to a single point, so strong is the natural disposition of arbitrators to please both parties, that in almost every instance, whether of national or of individual controversies, they make a compromising award. We have a memorable example of this in our last arbitration with Great Britain. Notwithstanding that the arbitrator, under the terms of the submission, was clearly and explicitly confined to the decision of which was the line of highlands described in the treaty of peace of 1783, yet, instead of pursuing any range of highlands whatever, he advised that the line should run along the bed of a river, and actually divided the territory in dispute between the parties by "the middle of the deepest channel of the St. John."

The undersigned might content himself, in answer to the present proposition, with a reference to the observations contained in his last note to Mr. Pakenham, of the 8d ultimo. In that it was plainly intimated not only that there are "other conclusive reasons for declining the proposition," independently of the one which had been prominently stated, but it was expressly asserted as the belief of the President, "that any attempt to refer this question to a third power would only involve it in new difficulties."

The undersigned will, however, proceed to state a single reason which, apart from the intrinsic difficulty of selecting a suitable arbitrator, as well as other considerations that might be adduced, is conclusive on the mind of the President against a reference of this question to arbitration, in any form which can be devised, no matter what may be the character of the arbitrator—whether sovereign, citizen, or subject. This reason is, that he does not believe the territorial rights of this nation to be a proper subject for arbitration. It may be true, that, under peculiar circumstances, if the interests at stake were comparatively small, and if both parties stood upon an equal footing, there might be no insuperable objection to such a course. But what is the extent of territory in dispute on the present occasion? It embraces nearly thirteen degrees of latitude along the north-west coast of the Pacific, and stretches eastward to the summit of the Rocky Mountains. Within its limits several powerful and prosperous States of the Union may be embraced. It lies contiguous on this continent to the acknowledged territory of the United States, and is destined, at no distant day, to be peopled by our citizens. This territory presents the avenue through which the commerce of our Western States can be profitably conducted with Asia and the western coasts of the continent; and its ports the only harbors belonging to the United States to which our numerous whalers and other vessels in that region can resort. And yet, vast as are its dimensions, it contains not a single safe and com-

modious harbor from its southern extremity until we approach the 49th parallel of latitude.

It is far from the intention of the undersigned again to open the discussion of the conflicting claims of the two powers to the Oregon territory. It is sufficient for him to state the continued conviction of the President, that the United States hold the best title in existence to the whole of this territory. Under this conviction, he cannot consent to jeopard for his country all the great interests involved, and by any possibility, however remote, to deprive the republic of all the good harbors on the coast, by referring the question to arbitration.

Neither is the territory in dispute of equal, or nearly equal value to the two powers. Whilst it is invaluable to the United States, it is of comparatively small importance to Great Britain. To her Oregon would be but a distant colonial possession of doubtful value; and which, from the natural progress of human events, she would not probably long enough enjoy to derive from it essential benefit; whilst to the United States it would become an integral and essential portion of the republic. The gain to Great Britain she would never sensibly feel; whilst the loss to the United States would be irreparable.

The undersigned is perfectly aware that such considerations can have no bearing upon the question of the title of either party. They are presented solely for the purpose of explaining the views of the President in his refusal to adopt any measure which would withdraw our title from the control of the Government and people of the United States, and place it within the discretion of any arbitrator, no matter how intelligent and respectable.

The President cordially concurs with the Government of Great Britain in desiring that the present controversy may be amicably adjusted. Of this he has given the strongest proof before the whole world. He believes that, as there are no two nations on the earth more closely bound together by the ties of commerce, so there are none who ought to be more able or willing to do each other justice, without the interposition of any arbitrator.

The undersigned avails himself of this occasion to renew to Mr. Pakenham the assurance of his high consideration.

JAMES BUCHANAN.

Right Hon. RICHARD PAKENHAM, &c.

The message and documents were then ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

#### IN SENATE.

MONDAY, February 9.

#### Naval Augmentation—Oregon.

The bill for the increase of the navy having been taken up,

Mr. WESTCOTT, after proceeding at considerable length with an examination of the various details of the bill, adverted to the necessity which existed for the adoption of the measure. He was in favor of its passage, as before stated, considered as a peace measure; but if we were to have war, its passage ought not to be delayed for a moment. And he confessed that within the last three days the aspect of the question,

as to the issue of peace or war, had materially changed. One means of settlement had been taken away—namely, arbitration. The proposition for arbitration had been refused by the Executive branch of the Government; and, he thought, very properly refused. He believed that the people of this country would set the seal of their approbation upon the course pursued by the Executive, as disclosed in the correspondence which had been communicated to Congress. But, at the same time, he feared that course would impose on the representatives of the people in Congress the imperative duty of preparing for war. Entertaining this belief, he would be in favor of amending the bill by striking out that part which makes it discretionary with the President to order the completion, arming, and equipping of the vessels now on the stocks, and would direct that this work be commenced *instantly*, in order to give confidence to the people of this country, by evincing a determination to be prepared for any emergency. Gentlemen of the Far West, with the exception perhaps of the Senator from Indiana, did not properly appreciate the imminent danger which hangs over the south-eastern coast in the event of a war. There was not a gun mounted on the whole line of the coast. In Florida they almost despaired heretofore that the Government would do them justice, there was so much of sectional feeling standing in the way; but here was a measure which was so free from any thing like a sectional character, that he trusted there would be perfect unanimity in its support. It was a matter of national concernment, and one which imperatively demanded their attention at this particular crisis of our affairs.

Sir, (said Mr. W.,) I have no feelings of friendliness for Great Britain; none whatever. There are reasons, perhaps, why, more than those of most men, my feelings should be otherwise. I will not subject myself to the charge of egotism by repeating those reasons, but I will refer to one of them. Sir, I saw the torch which wrapped this Capitol in flames applied by the hand of the incendiary; and although the hero of New Orleans, near the end of the struggle, in some degree avenged the act, yet no American, when he reflects upon it, can fail to have enkindled in his bosom a feeling of resentment against the perpetrators. Sir, I have no feelings of friendliness towards that nation; none whatever. If war should once be declared, my whole soul and my whole strength will be exerted on the side of my country. Sir, I will not be accused either of being one of those who are influenced by any dread of England's power, when I say that I deprecate a war with her. I do not fear the ultimate result of a conflict with that proud and powerful nation, for I believe that we can conquer again, as we did in the revolutionary war and in the war of 1812; but I dread the effects of war under any circumstances.

I said, when I had last the honor of address-

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*Naval Augmentation—Oregon.*

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ing the Senate, that I would *not* express any opinion as to the probability of a war; but occurrences since have changed my mind upon that subject; and I grieve, I lament to say, I believe the omens now are of war, inevitable war. Sir, whether the contemplated notice be given or not—whether we pursue strictly the course of policy indicated by the President or not—I fear there are elements at work—I fear there are causes which, whatever may be our course, will in a short period of time result in a conflict between this country and Great Britain. If we do not give notice, as the settlement of the country goes on, conflicts will arise between British and American settlers, and those conflicts will most probably involve the two nations in war. I agree entirely with the honorable Senator from Michigan that this will be the case. On the other hand, if we give the notice, England, armed to the teeth as she is, may think it expedient to send to our shores the armament which she has been engaged for so many months in preparing; and the least hostile indication on her part will arouse within the breasts of the people of this nation, feelings which are already sufficiently excited. Is not the position of affairs, then, indicative of war? May not the honorable Senator from Michigan with much reason now say that war is inevitable?

Mr. Cass desired to be permitted to set the gentleman right upon this point. The opinion which he had expressed in the early part of this session had been called in question repeatedly, and there certainly seemed to be a strange misapprehension regarding it. He had been denominated a war man; he had been styled an advocate for war; and why? Merely because he had said he believed the danger of war was imminent. He had never used the expression which had been attributed to him, that war was inevitable. What he had said was, that he was afraid that war would take place, and he would add that every day increased his apprehensions. He might now, since the information called for by Congress had been laid before them by the President—he might now say that all that he had stated on the 15th day of December in relation to this subject had been fully borne out. He might now say there was then strong cause for apprehension, and that there now is still stronger cause. That the armaments of Great Britain were prepared with a view of being called into use against this country no man can doubt. He would say to his honorable friend from Florida that his first impressions not only remained, but had become strengthened by the indications which had since exhibited themselves. Notwithstanding the mild tone of the English journals, he was not to be deceived by a few soft words in an English newspaper. It only went to show that the war fever was permitted in some measure to subside; but this circumstance offered no satisfactory evidence to his mind that the danger of war was more remote. But the honor-

able Senator was mistaken in supposing that he had at any time asserted that war was inevitable, and much more so in supposing him to be an advocate of war.

Mr. MANGUM said he was desirous that the sense of the Senate should be tested now upon the question of postponement to a future day for consideration—not that he was opposed to the adoption of a suitable measure for placing the navy in a proper condition, but there were gentlemen who represented this bill as being a peace measure, and others who represented it as being a war measure, while, as he believed, a large majority of that body were utterly opposed to the course which the negotiations had taken, and especially that portion of them which was developed in the last correspondence. As he believed that the spirit manifested in that correspondence was not satisfactory to a majority of that body, he was desirous that, in the present crisis, if it were a crisis, there should be a distinct manifestation of the sense of the Senate. He believed, and he spoke for himself only, that a system of delusion, which could not be altogether disguised, had been attempted to be kept up, in order to affright, to irritate, to arouse the people of this country, while the man who is at the head of the Government entertained no more idea of getting into a war than he (Mr. M.) did of encouraging such a course. And he would take the responsibility of saying (and such was the estimate which he entertained of the ability with which the thing had been conducted) that if he had more confidence in the sagacity and statesmanship of those who have the control of public affairs, he would feel much less anxiety than he now felt.

When this measure was introduced by the chairman of the naval committee, it was very properly met by the Senator from Missouri, and other Senators, on the ground that, if it were designed as a war measure, it was but a drop in the bucket. If, on the other hand, it were in reality only a peace measure, and all difficulties were soon to be settled amicably, as he had no doubt the Administration expected, he was unwilling that the public mind should be kept in a state of excitement, agitation, and alarm.

He thought that, in the present state of the public mind, they ought not to be discussing those little measures. If they were now in the condition which the papers recently laid before Congress seemed to indicate, every man must admit that it was a more critical position than they had heretofore occupied; and yet he had not a particle of doubt that the main cause which had contributed to bring us into that condition, was the mystification, the drumming up for effect, which was very early commenced, when no man even supposed that we could get into a war for a slip of territory at one end of the earth—when no man doubted that the affairs of the country, if intrusted to safe hands, were in a perfectly safe condition.

He was willing, however, that the bill should lie upon the table, and he hoped it would never be taken up until they had more light shed upon the position in which they stood.

Mr. BAGBY said he had, on a former occasion, expressed his views in relation to this bill, and he would now have left it to take its fate, without saying a word upon the subject, had it not been for what he must term the very extraordinary remarks of the Senator from North Carolina. It was true the bill had been advocated by some of its friends as a war measure, and by others as a peace measure. In both aspects of the question he had expressed his views clearly and distinctly, and upon these points he did not differ with the honorable Senator who had just spoken. As a peace measure it was entirely too large, and as a war measure it was too small. But there was something due, emphatically due, to those who were engaged in administering the Government of this country at present; and so far from agreeing with the Senator in regard to the disclosures made by the last correspondence, he could see in the conduct and management of the negotiation much to admire. He approved of the course taken by the Executive from beginning to end.

What was it that had been developed? It was that compromise, that arbitration in every form in which it had been presented had been rejected, and, in his opinion, properly rejected. What was the great point involved in the proposition to arbitrate? Had it come to this, that the United States were expected to submit the question of the integrity of her territory to foreign arbitrament? Did this Government, he asked, stand in that light and trivial point of view before the nations of the world, that it was expected to submit a question touching her rights to the dictum of a monarch? Much as he respected crowned heads, he would as soon think of going to trial in a case at law before a packed jury. He would rather place his interests in the hands of those who had less affinity with the opposite party. He was not only opposed to the bill, but he was determined not to vote one dollar beyond the ordinary sum for the support of the naval establishment, unless a war should take place, which he had not, since the very commencement of the Oregon controversy, believed for one moment would be the case. He fixed his confidence upon the intelligence and sense of justice of both countries. And he did not now think he could be mistaken in supposing that, before the discussion of the question was ended, there would be a peaceable and amicable adjustment.

Mr. CASS said he agreed perfectly with the Senator in the belief that the Administration had not the slightest desire for war. They never had from the beginning. All that the Administration desired was to promote the honor and the interests of the country, and leave the result to time. Whether they supposed that war would come in consequence of

the measures which had been adopted, and reprobated by the honorable Senator, he would not take upon himself to say. The Senator had reprobated the whole course of the correspondence. Now, he thought the verdict of the American people had already been passed upon the negotiations, as far as they had been disclosed in the Message of the President. The issue must be left to time, of course.

One other remark. The Senator from Alabama had declared himself opposed to the bill, either as a peace or a war measure. He was at a loss to comprehend the policy which would dictate a refusal to pass the bill as a war measure. How were they to be prepared for war unless a beginning at preparation was made? It could scarcely be expected that an army could be raised in an instant, or a navy be built and manned upon the spur of the moment. There must be a beginning. A country advancing in population and wealth, surrounded by the territories and possessions, he would not say of an enemy, but of a great commercial rival—a country penetrable at every point, having scarcely a gun mounted, scarcely a soldier with a musket in his hand—was there a nation, he would ask, that the sun shines upon that ever adopted such a course as this? And yet the gentlemen were for doing nothing because they could not do every thing.

Did any man doubt the fact that very extraordinary preparations are being made in England? He reminded the Senate that he had, in a former debate, quoted on this subject from the *Journal des Débats*, a paper conducted with wonderful tact, ability, and judgment. Umbrage had been taken by France at these extensive preparations, the extraordinary armaments on foot, and the extensive operations in the dock-yards and arsenals. But France was told they were not intended against her.

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 9.

The Journal of Saturday was read in part, and, on motion of Mr. O. J. INGERSOLL, (its further reading having been dispensed with,) was approved.

Mr. O. J. INGERSOLL moved that the House resolve itself into Committee of the Whole on the state of the Union; [but waived the motion for the moment.]

Mr. ROBERTS asked leave to introduce certain joint resolutions (the reporter thinks) from the Legislature of Mississippi.

Objections were made.

Mr. POLLOCK asked leave, at this time, to make a report from the Committee of Claims.

Objections were made.

The SPEAKER said that the first business in order would be the call of the States for petitions.

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Oregon.

[FEBRUARY, 1846.]

*Oregon.*

On motion of Mr. RATHBUN, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. TYBARTS, of Kentucky, in the chair,) and resumed the consideration of the joint resolution of notice, and the several amendments thereto pending.

Mr. T. B. KING (who obtained the floor on Saturday night at a few minutes before 12 o'clock, immediately after Mr. WILMOT had concluded) rose and addressed the committee during the hour.

He stated that, in view of the correspondence which had recently passed between the United States Government and the British minister, he (Mr. K.) should not offer the amendment (embodying a proposition for arbitration) which he had designed. The proposition to arbitrate the disputed boundary line of the Oregon territory having been made in all its forms by her Britannic Majesty's minister, and having been peremptorily, and as he (Mr. K.) conceived cavalierly rejected by the Government of the United States, that mode of adjusting the difficulty seemed to be at an end. Arbitration was one of the most ancient modes known to civilized nations of settling difficult and embarrassing disputes. It was sanctioned in all its forms by the law of nations, as founded on the law of nature. It had been resorted to in all times by those who wished to mete out that justice to others which they desired should be meted out to themselves.

The President of the United States had declared, or permitted his Secretary of State to declare, that the territory of the United States was not a question for arbitration. He (Mr. K.) did not quote the words of the passage literally. That, however, was its substance. Who had ever desired the President to submit to arbitration the acknowledged rights, the clearly undisputed territory, of any portion of the United States? No man had ever made such a suggestion here or elsewhere. The British minister had proposed no such thing; and it was an insult to this House and to the nation—it was, to say the least of it, most demagogical treatment of the solemn proposition submitted by her Britannic Majesty's minister. In looking at the correspondence of the Secretary of State with Mr. Pakenham, it was, in his (Mr. K.'s) judgment, difficult to determine which of the two predominated—the pettifogger or the bully. He would venture to say, that in all the diplomatic history of the United States no such correspondence could be found; and he trusted in God, for the honor and dignity, and character of the country, that no correspondence of a similar kind would ever again be known in our annals. Mr. K. proceeded to examine the recent propositions of arbitration, to show the propriety of a resort to such a mode of settlement; the benefits that would result from it; and the responsibility which its rejection would impose on the Administration

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for the consequences that might result. He contended, by reference to the character of the correspondence, that it was evidently the design of the President (if his design could be inferred from that correspondence) to appeal to the arbitrament of the sword.

Mr. K. then proceeded to inquire how long it was since the discovery had been made that the title to this territory was clear and unquestionable; and to trace the assertion of that title to the Baltimore convention, and to the Inaugural Address of the President of the United States, which came upon us like a clap of thunder in a clear sky. Where had the President derived his authority for a declaration which, if he intended should be taken literally, was untrue? If he intended merely to assert it as his own opinion, he had very lame authority for it. Mr. K. then referred to the negotiation which had taken place between the two Governments, with a view to show that we had ourselves acknowledged that Great Britain had rights in Oregon, and to demonstrate the inconsistency of making such a declaration as that made by the President, and of their offering to divide the territory almost in half.

And now, Mr. Chairman, (continued Mr. K.,) I should like, with all respect and deference to the learned and venerable gentleman from Massachusetts, (Mr. ADAMS,) to ask him a question. I desire to ask what his opinion is—whether, in his judgment, our title to the entirety of the Oregon territory is “clear and unquestionable”?

Mr. ADAMS (the floor having been yielded for the purpose) said: To say that the title is clear and unquestionable, is to say that which is susceptible of two meanings—one relating solely to the question of right and wrong, and the other relating to the opinions of others. According to the construction we give to “clear and indisputable,” in relation to the question of right and wrong, I say that our title is clear and unquestionable. I will add one or two words more. That our title in the Oregon territory is not indisputable or clear, is answered plainly in the fact that it is *disputed*. The gentleman has told us that it has been disputed for twenty-seven years. I cannot deny it. But if every thing which is disputed by the Government of Great Britain is indisputable, then I should be under the necessity of changing the meaning of the word.

Mr. KING inquired why the gentleman had not given that definition when he was Secretary of State; and proceeded to comment on the part which that gentleman had taken in the negotiation on the subject. He (Mr. K.) did not pretend to decide to what extent our title was clear and indisputable; but he did suppose that the gentleman from Massachusetts, with all his experience, had some knowledge of what our claim was, and upon his opinion he (Mr. K.) had relied much in forming his own.

Mr. K. then referred to the connection which had, most perniciously, been given to this ques-

tion by reason of its forced connection with party politics, and to the new element of fanaticism which had been thrown into it. Touching the tariff, he adverted to the proposition of Mr. WENTWORTH, that no proposition for arbitration should be accepted until Great Britain had permanently opened her ports to our breadstuffs; or, in other words, had repealed her corn-laws. The best state of things for the American grain-grower was that which now existed. The repeal of the corn-laws would enable the grain of the Baltic and the Black Sea to come in competition with that from the Western States; whereas now, the grain found a market through the colonial ports, and had a monopoly in the British ports. It would be little less than madness in us to desire a repeal of these laws.

The state of the question before the committee was this:

Mr. C. J. INGERSOLL, from the Committee on Foreign Affairs, had reported the following joint resolution:

**JOINT RESOLUTION** of notice to Great Britain to "annul and abrogate" the convention between Great Britain and the United States of the sixth of August, eighteen hundred and twenty-seven, relative to the country "on the north-west coast of America, westward of the Stony Mountains," commonly called Oregon.

*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States forthwith cause notice to be given to the Government of Great Britain, that the convention between the United States and Great Britain, concerning the Oregon territory, of the sixth of August, one thousand eight hundred and twenty-seven, signed at London, [shall be annulled and abrogated twelve months after the expiration of the said notice, conformably to the second article of the said convention of the sixth of August one thousand eight hundred and twenty-seven.]*

This resolution Mr. C. J. INGERSOLL had moved to amend by striking out all that portion embraced in brackets, and inserting:

"Shall be annulled and abrogated at the expiration of the term of twelve months from and after said notice shall be given, conformably to the second article of the said convention of the 6th August, 1827."

And Mr. HILLIARD had heretofore moved to amend the original resolution by striking out therefrom the words, "forthwith cause notice to be given," and inserting—

"Be empowered, whenever in his judgment the public welfare may require it, to give notice."

Mr. DROMGOOLE supposed, he said, that it would be in order now to offer a substitute for the entire report of the Committee on Foreign Affairs, and he sent to the Chair the following proposition:

"Whereas, by the convention concluded on the twentieth day of October, 1818, between the United States of America and the King of the United

Kingdom of Great Britain and Ireland, it was in the third article thereof, agreed, that any country that may be claimed by either party on the north-west coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers, it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or State to any part of said country; the only object of the high contracting parties in that respect being to prevent disputes and differences among themselves: And whereas, by a convention between the same parties, concluded on the 6th of August, 1827, it was agreed to continue in force for an indefinite period the provisions of the third article of the convention of the 20th of October, 1818, and was also further agreed and provided that it shall be competent, however, to either of the contracting parties, in case either should think fit at any time after the 20th October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall in such case be entirely annulled and abrogated after the expiration of said term of notice: And whereas it is thought fit on the part of the United States to annul and abrogate said convention,

*"Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said convention shall be annulled and abrogated at the expiration of twelve months after the date of the delivery to the Government of Great Britain of the due notice required to be given.*

*"Be it further enacted, That the President of the United States is hereby authorized and required, in such solemn and respectful mode as he may deem proper, to cause the said due notice to be given in the name of the United States, one of the contracting parties, to the Government of Great Britain, the other contracting party.*

*"Be it further enacted, That, for the purpose of enabling the President to comply herewith at as early a day as he may think advisable, there be appropriated a sum not exceeding ——— dollars, to be used, if necessary, and to be paid out of any money in the treasury not otherwise appropriated; but nothing in this act is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory."*

The question recurring on the substitute of Mr. DROMGOOLE,

Mr. BOYD moved to amend it by striking out all, and inserting the following:

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause notice to be given to the Government of Great Britain, that the convention between the United States of America and Great Britain, concerning the territory on the north-west coast of America, west of the Stony or Rocky Mountains,*

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of the 6th day of August, 1827, signed at London, shall be annulled and abrogated twelve months after giving said notice.

*Resolved*, That nothing herein contain is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory."

The question was taken by tellers, and the vote stood—ayes 110, noes 98.

So the amendment was *agreed to*.

The question then recurred on the proposition of Mr. DROMGOOLE as thus amended.

Tellers were then appointed, and the vote having been taken, stood—ayes 109, noes 94.

The question having been taken and agreed to—

The committee rose, and the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the joint resolution concerning the territory of Oregon, and that the committee had instructed him to report the same to the House with one amendment.

And the question being on concurring with the committee, resulted—ayes 172, nayes 46.

So the substitute was concurred in.

And the question, "shall this joint resolution be engrossed for a third reading?" was taken, and decided in the affirmative, as follows:

YEAS.—Messrs. John Quincy Adams, Stephen Adams, Anderson, Arnold, Atkinson, Baker, Barringer, Bell, Benton, Biggs, James Black, James A. Black, Blanchard, Bowlin, Boyd, Brinkerhoff, Brockenbrough, Broadhead, William G. Brown, Buffington, William W. Campbell, John H. Campbell, Cathcart, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Collin, Constable, Cullom, Culver, Cummins, Cunningham, Daniel, Darragh, Jefferson Davis, Delano, De Mott, Dillingham, Dobbin, Douglass, Dromgoole, Dunlap, Edsall, Ellsworth, Erdman, John H. Ewing, Faran, Ficklin, Foster, Fries, Garvin, Giddings, Gilis, Goodyear, Gordon, Graham, Grider, Grover, Hamlin, Hampton, Haralson, Harmanson, Harper, Henley, Hilliard, Hoge, Elias B. Holmes, Hopkins, Hough, George S. Houston, Hungerford, Washington Hunt, Jas. B. Hunt, Charles J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, Geo. W. Jones, Seaborn Jones, Kennedy, Preston King, Lawrence, Leib, La Sere, Lewis, Levin, Ligon, Lumpkin, Maclay, McClean, McClelland, McClelland, McConnell, McCrate, McDowell, McGaughey, McHenry, McIlvaine, McKay, John P. Martin, Barclay Martin, Morris, Morse, Moulton, Niven, Norris, Owen, Parish, Payne, Perrill, Perry, Pettit, Phelps, Pollock, Price, Ramsey, Rathbun, Reid, Relfe, Ritter, Roberts, Root, Runk, Russell, Sawtelle, Sawyer, Seamon, Schenck, Seaman, Severance, Leonard H. Sims, Albert Smith, Thomas Smith, Robert Smith, Stanton, Starkweather, Stewart, St. John, Strong, Sykes, Thomasson, James Thompson, Jacob Thompson, Thurman, Tibbatts, Tilden, Towns, Trumbo, Vance, Wentworth, Wheaton, White, Wick, Williams, Wilmot, Woodruff, Woodworth, Yell, Young, and Yost—163.

NAYS.—Messrs. Abbott, Ashmun, Bayly, Bedinger, Milton Brown, Burt, John G. Chapman, Augustus A. Chapman, Cooke, Collamer, Cranston, Crozier, Dargan, Garrett Davis, Dixon, Dockery, Edwin H. Ewing, Foot, Gentry, Grinnell, Herrick, Isaac E. Holmes, John W. Houston, Edmund W. Hubbard, Samuel D. Hubbard, Hudson, Hunter, Joseph R. Ingersoll, Daniel P. King, Leake, Long, Marsh, Miller, Moseley, Pendleton, Rhett, Julius Rockwell, John A. Rockwell, Seddon, Alexander D. Sims, Simpson, Truman Smith, Caleb B. Smith, Stephens, Strohm, Thibodeaux, Benjamin Thompson, Toombs, Tredway, Vinton, Winthrop, Woodward, Wright, and Yancey—54.

So the joint resolution was passed in the following form, to wit:

JOINT RESOLUTION of notice to Great Britain to "annul and abrogate" the convention between Great Britain and the United States, of the sixth of August, eighteen hundred and twenty-seven, relative to the country "on the north-west coast of America, westward of the Stony Mountains," commonly called Oregon.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States cause notice to be given to the Government of Great Britain, that the convention between the United States of America and Great Britain, concerning the territory on the north-west coast of America west of the Stony or Rocky Mountains, of the sixth day of August eighteen hundred and twenty-seven, signed at London, shall be annulled and abrogated twelve months after giving said notice.

*Resolved*, That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory.

Mr. BOWLIN moved a reconsideration of the vote, and demanded the previous question.

There was a second. The main question was ordered, and, being taken, the vote was not reconsidered.

And the House adjourned.

#### IN SENATE.

WEDNESDAY, February 11.

Oregon.

The Senate proceeded to the consideration of the joint resolution on the subject of notifying Great Britain of the termination of the convention providing for the joint occupancy of the Oregon territory.

Mr. ALLEN resumed his remarks, with the assertion that in the assertion of her claims, Great Britain had not been influenced so much by her actual right to what she claimed as by her own imaginary superiority over us in strength. And this view entered into the arguments of those among ourselves who were opposed to a proper vindication of our rights; who maintained that we ought to surrender

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them, because we were not in a condition to resist the power of Great Britain, and because, owing to her vast superiority, she would obtain what she claimed at the point of the sword. We were therefore not only compelled to receive the tone of our thoughts and feelings from her, but also her mandates. All this was made well understood in England; and, in all the parliamentary speeches, we never heard of any one who asserted that she was not able to carry her purposes through, or that her power was even likely to be weakened in a contest with our Democracy. No one there urged timid counsels in order to paralyze her arm. She tells us that she has rights in Oregon which she will cause to be respected; and that if we adopt certain measures she will consider the act as cause of war. There is no crouching there, by declarations that she is not prepared. Had it been with Mexico, instead of Great Britain, that we had had to deal, we should have given this notice, and been in possession of the territory fifteen years ago. He reasserted that England would not dare to fight. He did not say that she had not courage to fight. It would be the height of folly to charge an Englishman with want of courage. Great Britain would calculate the effect of the measure on her own interests, and, if she found they were not likely to be benefited, she would find a way to evade a contest. She has colonies which she cannot afford to lose, while our possessions lie contiguous, and are confined to our soil. And even could she obtain Oregon, she would not be able to retain it twenty-five years, before it would be reached and occupied by an advancing population, which is doubling every few years. The first act of our Government, in case of war, would be to expel the British power from all her possessions on this continent. Knowing this, she will count the cost before she goes into a war. He then took a view of the extensive possessions of Great Britain over the world, and the numerous population subject to her sway, and the difficulties she had to contend with in the government of her twenty-seven colonies, consisting of almost entirely a people foreign in their birth and habits. The power of the British navy he represented as comparatively smaller than it was in 1802 and 1803; and then her security from foreign invasion was attributable solely to the fact of the twenty-five miles of ocean which lay between her and France. Before she could assail us, she would have to cross three thousand miles of the Atlantic. We have less reason, therefore, for alarm, than she had when she became so affrighted as to change her cabinet, and bring back the war minister, Mr. Pitt, into her councils, and to call out her laborers from the field and her mechanics from the workshops, to protect herself from the threatened invasion of Napoleon. All the armed navies she could collect could not subjugate this country.

He then dwelt on the change which had been effected in naval armaments by the introduc-

tion of steam, which enabled a small navy to compete more successfully with a greater numerical force of ships. History taught us that every commercial nation had crumbled into ruins. Carthage was destroyed by Rome, and her subjugation was made more rapid by her national discord caused by her inability to pay her defenders. Spain had been deprived of all her colonies. And at this moment, of all the five allied Powers of Europe, England was the weakest. A single defeat ensures her fall. What could be effected by the energies of a whole people, he illustrated by a reference to the victories achieved by the French armies while she was a republic; and then instituted comparisons for the purpose of proving that, in point of durability, our institutions could be exhibited to great advantage in opposition to the limited monarchy of England. The changes in her prime ministers were more frequent than those of our Presidents. Her parliaments nominally elected for seven years, but whenever popular clamor required it, they were dissolved by the Crown. Within the period of forty years, there had been thirteen parliaments, averaging to each only three years and one month.

During the wars of the close of the last century she was compelled to incur her heavy debt in order to pay the foreign navies which she subsidized, taxing her people to the amount of sixty-five millions of pounds annually for twelve years. And notwithstanding she has enjoyed thirty years of peace, this enormous debt still remains unreduced, and her taxes amount now to fifty-two millions of pounds per annum—little less than when she had all the navies of Europe in her pay. She was at this moment a pauper; for in one year, when her taxes amounted to fifty-two millions, the total value of her exports reached only fifty-one millions. Yet in this condition of weakness and poverty, she was held up to us as a power from which we were to turn and run. Our Government is strong enough for all the purposes of our destiny, and nothing is required but to expel the delusion which has been thrown about the public mind as to the power of Great Britain. All we have to do is, to do as her statesmen do—not to depreciate our own power while we exaggerate hers.

He then took a view of our own institutions, and their beneficial effect on the people. They have existed more than half a century, unstained by the blood of a single individual for political offences. With twenty millions of people, powerful enough to do wrong, and five thousand prisons, there is not one of these twenty millions incarcerated in one of these prisons on any political charge. A short time since there was one imprisoned for a political offence, but so strong was the force of public sympathy in his favor, that even they who imprisoned him opened the prison doors, and invited, and urged, and coerced him to accept of his liberty. Throughout the remoter sections



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of our country, a magistrate is mounted on his horse, travels to a distant court-house, holds his court, pronounces judgment, and secures the execution without the aid of a sword or even a cudgel. And this because the hearts of the people vindicate the supremacy of the laws. It is thus that we possess all the elements of the strongest government by which mankind was ever banded together. We then can have no fears of Great Britain.

All this arises from the fact, that instead of being in the rear of our institutions, the people are always in advance of those who are in power. The people have no fears of Great Britain; and if in our national councils is to be found something like timidity, it is owing to the fact that delegated power is always more fearful of responsibility than that which is primitive. It is the policy of Great Britain boldly to assert a claim, and then, by giving us the alternative of yielding or fighting, to obtain the surrender of a part of it.

Mr. ALLEN concluded with giving his opinion that Great Britain would enter into no war with this country, unless she could secure the co-operation of the other European governments. She might hold out to them that after the subjugation of the Oregon territory, she would erect it into an independent government. Before she will go to war, she will, at the last moment, invite the mediation of Russia and France—of the former, because of her contiguous possessions, and of the latter, because of the sympathy which binds her cabinet to that of Great Britain. It is our duty to exhibit no symptoms of quailing to Great Britain, but to treat her as she has treated us. When she talks of power, let us talk back to her of power. When she strips for a fight, let us strip. With the bravest people in the world, what cause have we for fear? Let this resolution pass—and he knew this body well enough to be sure that it would pass easily, and that all the other measures to which it would lead would also pass—and we shall hear no more of war, unless Great Britain can prevail on the great Powers of Europe to unite with her in the establishment of a balance of power on this continent.

On motion of Mr. J. M. CLAYTON,  
The Senate adjourned.

IN SENATE.

THURSDAY, February 12.

*Special order.*

Mr. MANGUM moved that the prior orders of the day be postponed, and that the Senate proceed to the consideration of the special order; which was agreed to.

The President stated that the special order was the consideration of the joint resolution reported by the Committee on Foreign Relations, advising the President of the United States to give notice to Great Britain of the

abrogation of the convention between the United States and Great Britain, concluded the 6th day of August, 1827, in relation to Oregon, together with Mr. CRITTENDEN's amendment thereto, Mr. HANNEGAN's resolutions relating to the same subject, and Mr. CALHOUN's amendment to the latter.

Mr. CLAYTON then proceeded to address the Senate. There are now (said he) before the Senate of the United States two distinct propositions for terminating the convention of 1827, providing for the joint occupancy of the territory of Oregon—for giving notice to England that that joint occupancy must cease at the end of twelve months after giving the notice. There is also another proposition, not now regularly before the Senate, which has been, I understand, referred to the Committee on Foreign Relations, and does not properly form the subject of discussion at this time: I allude to the resolution passed by the House of Representatives. The two propositions now before the Senate differ in two important particulars. The one reported by the Committee on Foreign Relations of this body, proposes to give the notice, without intrusting the President of the United States with any discretionary power whatever on the subject. It devolves upon Congress the whole responsibility of giving the notice. The other proposition, introduced by my honorable friend from Kentucky, in the form of an amendment to the amendment of the Committee on Foreign Relations, throws that responsibility on the President himself. It gives to him the right, the authority, to give the notice, if, in his judgment, that measure shall seem most expedient, and best calculated to subserve the great interests of the country. At the same time, it does not deny to him the exercise of the right to withhold the notice altogether, if, in consequence of any future developments, or of any thing which has already occurred, it should seem to him most advisable not to give the notice. It differs also from the other resolution in another important particular; and that is, that it holds out distinctly, or at all events by necessary implication, the idea that negotiations between this country and England have not yet been entirely closed; and, in my judgment, it amounts to a virtual recommendation that the President should continue negotiations, with a view to the peaceable settlement of the great question which now agitates the two governments.

Of the two propositions, I have no hesitation in saying that I decidedly prefer the amendment which has been proposed by my honorable friend from Kentucky, to the other proposition, which forces us to give the notice immediately, which intrusts the President of the United States with no discretionary power whatever, and which assumes that Congress is thoroughly acquainted with the subject, no matter what has occurred in the negotiations between the British Minister and the Secretary of State, or what shall occur hereafter. To that

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resolution I say I have insuperable objections, and in no possible circumstances can I yield it my assent; but while I say this, I declare at the same time that I make not this opposition from any factious spirit. I know no party feeling whatever on this great question. I have never, at any period of my public life, enlisted as a party man on any great question touching the foreign relations of this country, nor have those with whom I have been accustomed to act politically ever taken such a course.

Well, sir, for my own part, in reference to this great question, I am willing to say frankly that, whatever opinion I may entertain in regard to the negotiations between our Secretary of State and the British Minister, and the manner of conducting these negotiations—whatever opinion I may entertain in regard to the policy of the President of the United States on this whole subject—yet as a Senator of the United States, and as a patriot, I mean to stand by him as far as I can do it consistently with principle and honor. He has recommended the Congress of the United States to give this notice to England. Upon his high responsibility he has made that recommendation; at the same time he has not given us the slightest intimation in any part of his message, nor any other communication to Congress, that he entertains the opinion that that notice will be attended by any war with England, or followed up by any hostile measures whatever on the part of England. He has not warned the country that there is the slightest danger of war, arising either from the passage of this resolution, or of a resolution of similar import, or from any other measure whatever. He has given us no intimation that there is the slightest danger whatever. But if I am to judge from his action, as well as from his words, there is not, there can be no danger whatever of war with England. Why, sir, what are the facts? He has not recommended that the appropriations for the defences of the country should be increased one dollar. On the contrary, he has recommended that the estimates for the year should be reduced; and they have been reduced. He has accompanied that recommendation with another, and that is, that the tariff of the country shall be reduced. He has made no proposition whatever for increasing the revenue by increasing the duties on any article or articles whatever. Well, what has been the conduct of the gentlemen whose duty it would be, in the event that this country should be endangered, to recommend to Congress measures of defence—your officers of the War and Navy departments? There is no proposition from either of them to prepare for war. True it is, that, after the honorable Senator from Michigan (Mr. Cass) had introduced his resolutions, and they had been adopted by the Senate, one of the committees of this body—the Committee on Naval Affairs—by its chairman, did propose one measure for increasing to a small extent the navy of the country, by the addition of

three steam frigates, five sloops-of-war, and two brigs or schooners. Well, the measure was accompanied, at the same time, by a letter from the Secretary of the Navy, which distinctly announced the fact that it was not to be considered as a war measure, but merely as a peace measure. The idea that I—and, I suppose, others—obtained from that communication was, that the navy of the country ought to be increased, supposing there was no war, either with England or any other nation; in other words, that the navy of the country should be increased to the extent proposed in the bill itself, because that increase was necessary to protect the commerce of the nation. Well, to what other sources ought we, as Senators of the United States, to look, in case we should be called on to prepare for war? Who ought to warn us? Who ought to give the alarm? As I have said, the President of the United States has given no intimations of approaching danger. The heads of departments have given no intimations of approaching danger. The chairman of committees of this body have given no intimations of approaching danger. The leading friends of the Administration—those who enjoy its confidence—have given no intimations of approaching danger. We are therefore precisely in the state described by the honorable Senator from Michigan and others—truly described by them—entirely unprotected and unarmed in case any foreign foe whatever should choose to make war upon us. It is strictly true—true to the very letter—that the fortifications of the country are either in a state of dilapidation, or that there are no fortifications at all, at points where they would be eminently demanded in case of war.

This is our condition on the coast. Well, now, in all these circumstances, with a full knowledge of this subject—with a full knowledge of the fact, too, that we have a commercial marine at this moment equal, I verily believe, to that of England itself—exposed to the depredations of any enemy, upon any sea and every sea, in the event of a war—there is not one friend of the Administration who stands forward to inform Congress that there is the slightest danger of a war. I look to these things, to these matters, as much more significant of what is to happen than to the published correspondence between the Secretary of State and the British Minister.

But I look to other facts; and that is, to the conduct of those to whom is intrusted the administration of our national affairs; and seeing that, I am bound to say here in my place, and under the responsibility of my position, that I cannot entertain any apprehension of war. Sir, to suppose that the President of the United States would bring this country to the verge of a war, and that with so powerful a nation as England, without giving the Congress of the United States to understand that we were in imminent danger of war—to suppose that he and his cabinet ministers have brought us to the

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very verge of war, and yet that none of them has recommended any means for the defence of the country, knowing at the same time its denuded condition, would be to suppose what I regard as utterly impossible. I differ from the Administration politically—that is, I was not one of those who united in putting the President in power. But I have not distrusted his integrity and patriotism so far, nor will I distrust them so far, as to suppose that he has seriously harbored the idea of placing this country in the attitude of war with the most powerful nation of the earth, whilst he has refused to give us the slightest intimation that we are in any such danger; and whilst he, and his officers who hold power under him, have withheld any and every proposition for securing the national defence. Sir, I do not hold the measure of notice to be a measure tending or necessarily leading to war. The President, under the circumstances which I have described, asks of me to bestow on him the power of giving this notice to England. He stands in a position where he has the full opportunity of knowing the benefits that are to follow that notice. He has the facts before him. He has all the data before him. I have not. He has the opportunity of free communication with the British Minister and of understanding the views of the British Government. I have not. The people of the United States have conferred upon him high responsibilities not intrusted to me; and I will not seek to take them from him. With a full knowledge, then, of all the facts of the case, he assumes the responsibility of desiring the power to give the notice; and I, in all the circumstances of the case as they stand before me, and for the reasons which I have expressed and am about further to express, am willing to intrust him with that power. I will say to him—"You have all the means of knowing whether this measure will redound to the honor and prosperity of the country or not, and at your peril exercise this power." If he think proper, let him exercise it. But I will not, I cannot vote for the resolution which compels him to exercise that power, although he may not be desirous that the notice should be given. I mean to give my vote for the resolution which gives him the discretion, and I will go no further.

I presume, Mr. President, that I may consider it as a settled determination on the part of the present Congress of the United States to pass some bill during the present session for the occupation of Oregon. I do not mean the exclusive occupation of Oregon. I entertain no idea that the present Congress of the United States intends to pass a bill which shall be equivalent to a declaration of war against England, by shutting her out from the entire possession of any part of Oregon. I have no idea that the Senate and House of Representatives of the United States will assent to such a measure; but I presume that a bill similar in tenor to the laws passed by the Parliament of

England on this subject will be passed; that the jurisdiction of Iowa, or of some portion of our country will be extended over the territory, as Great Britain has extended that of Canada over her subjects in that territory; and that our own citizens now there, and those who may hereafter go there, will be protected in the possession of their own rights by American tribunals and American officers. I take it for granted that some such measure as that will be adopted. I have not heard any opinion in opposition to that expressed in any quarter. That measure seems to be due; it is due to the honor of the country and the safety of our people, who have gone to Oregon at this stage of the negotiations between the two countries. Well, then, looking at things as they probably will be—as they certainly will be at the close of the present session of Congress—I put it to honorable gentlemen on this, as well as on the other side of the House, which of the two courses is most likely to endanger the pacific relations between this country and England—the giving of the notice in the form and in the shape in which my friend from Kentucky has proposed it, or, on the other hand, the refusal to comply with the recommendations of the President of the United States in any form whatever. Why, we must undoubtedly establish tribunals of justice in Oregon. The English have done so. We must do so for the protection of our people. We shall have sheriffs, and constables, and deputies to execute processes—to enforce the administration of justice in that territory. The British have judges, and marshals, and constables, and deputies there to enforce the administration of justice. Well, now, how can it escape a thinking intellect that, in this state of things—if this joint occupancy is to continue—the danger of collision between the two countries must increase every day. I will not say that the danger of collision is unavoidable, and that in no possible state of things can the event be different from what I now imagine it will be. But I do feel confident—knowing as I do the character of our own western settlers, those who will go to Oregon—understanding as we all do the feeling of our own people who are about to emigrate to that territory, and of those who have already gone there—the conflicting views of our countrymen and the British in Oregon on all questions, and especially on the great principles of civil and republican liberty—knowing this difference of opinion, I say that I hold that the danger of collision between the two classes of settlers, and consequently between this nation and Great Britain, will daily increase, if this joint occupancy be permitted to continue. It is, or will be, precisely as my honorable friend from Michigan (Mr. Cass) described it—a "double-headed Government;" and there will be as great danger of collision between the two classes of inhabitants as if there were no organized government at all, and they were in a state of absolute anarchy, and Judge Lynch the only resident judicial authori-

ty. We can all very readily understand this. An American is sued for a debt by a British settler, or he is presented for an assault and battery, or for homicide, or any other crime. Do you suppose that the American will submit to the British judge? Do you not suppose that he will, in all human probability, appeal to his countrymen to rescue him from the hands of any British constable, or sheriff, or marshal, who shall seek to seize him, and lead him before the British judge? Reverse the case, and suppose that the prosecuting party is an American, the alleged culprit an Englishman, do you suppose that *he* will submit it to an American judge? Will he not appeal for aid to his countrymen to rescue him from the hands of the American officers of justice?

Sir, if this joint occupancy be permitted any longer to continue, there will soon be collisions between armed *posses* of Englishmen and Americans in Oregon—blood will be shed, and then what will happen? Our countrymen will come to us with their story, and the Englishmen will go to the British Parliament; and the story of neither party will be softened in the recital. These things will inflame the passions of men on both sides; and already there are certain men in this country who are seeking to fan into an open flame the prevailing apprehensions of war. In these circumstances the danger will increase, and my anxious fear is, that, by the continuance of this state of things, we will be driven into a war. But one evil is certain under this joint occupation; and I hold it to be a great fact, and worthy the consideration of this Senate in taking a vote on these resolutions. Already the apprehension of war has decreased and almost paralyzed the business of the country; already the capital of traders is withdrawing itself into chests, and drawers, and old stockings; already the business men of the community are alarmed; and the longer this state of things continues, the greater will be the alarm; from day to day, and from month to month, the tendency to paralyze the business of the country will increase. We have at this time a commerce of 2,417,000 tons of shipping. England has 2,420,759 tons; so that we are nearly—nay, it is my opinion we are completely—on a par with her. I doubt, sir, whether, England has a greater commercial marine, or greater interests to protect than us; if so, I would like to know in what it consists. We have more than seven hundred whale ships in the Pacific Ocean; we have an extensive Indian commerce; and a great and daily growing commerce with China. And does any man suppose that in the present distracted state of our relations with England, and the long time that must elapse if this notice is not given, that the owners of these ships, on their return, will send them back on voyages—that the owners of these Indianmen will dare to send them on a three years' cruise? Why, it is even now difficult to effect insurance on them. My ardent wish is for an honorable and speedy set-

tlement of this question. I hold that the giving of the notice will present the question to the view of those whose duty it is to attend to it—the Secretary of State and the President; that they will be induced to come to some settlement, and that speedily. But it is my fear that, if the notice fails, the President of the United States, feeling (I will not say mortified) that his recommendation in regard to England is not complied with, that his measures are not accepted, his serious proposals slighted and neglected, may resolve, for reasons best known to himself, to say, "I will take no further steps in this business; I have done all I could, and now the responsibility rests on Congress; and if it does not do its duty, things must remain as they are until a Congress comes in that will possess the determination to give the notice. Until this is done, things must remain as they are." Sir, I say nothing as one authorized; I do not give my reasons *ex cathedra*. I fear the first effect of refusing to give the notice will be to induce the President to stop all negotiation, and appeal to the country—to appeal to that most dangerous of all tribunals, party—and excite the inflammatory zeal of the people, and stir up their ancient feelings of antipathy to England, leaving commerce paralyzed by the daily increasing fear of war. Should such take place, I fear many a man would be sent here who would be disposed to go farther, and do more, than I propose in giving this pacific notice. At the same time, it is due to myself to say, that I do not entertain the idea that men will ever be sent here with instructions to go beyond 54° 40'. I do not hope nor believe that any man would come here, instructed by the people of the United States to go for any measures that would tend to produce a war with England.

WEDNESDAY, February 18.

*Special Order.*

At one o'clock, the Senate proceeded to the consideration of the special order, being the joint resolution of Mr. ALLEN, as amended by the Committee on Foreign Relations, proposing to give notice to Great Britain of the intention of the United States to annul the convention for the joint occupancy of the Oregon Territory, and the resolutions of Messrs. HANNEGAN, CALHOUN, and CRITTENDEN, and the joint resolution passed by the House of Representatives on the same subject.

The question pending being on the substitute moved by Mr. CRITTENDEN,

Mr. DIX rose, and proceeded to address the Senate on the special order of the day. He said:

What is the proposition before the Senate? It is, to give to Great Britain the notice of twelve months, by virtue of which the treaty between her and the United States, stipulating that the territory of Oregon shall be free and open to the people of both countries, is to be

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abrogated and annulled. We cannot disguise the fact, that this is a measure of the most decided character, and involving the most important consequences. What is it, sir, but a declaration that the territory of Oregon, after the expiration of twelve months, shall no longer be open to the subjects of Great Britain? It is the first step towards the assertion of our right of empire and domain in Oregon. I can see it in no other light. I shall support it. But I cannot assent to the propriety of adopting a measure of such magnitude without saying a single word in illustration of our title to the territory, over which we are thus preparing to assert our paramount rights. I do not feel at liberty to take such a step, denying summarily all right in others, or abstaining from the assertion of any right in ourselves.

The region which now constitutes the territory of Oregon was seen, and a part of its coast reconnoitred—I will not say explored—half a century after the discovery of America. In consequence of its remoteness from the course of trade which was opened by the voyages of Columbus, the supposed rigor of its climate, and the certainty derived from the expeditions sent out from Mexico, that it contained no sources of wealth like those by which Spain had been enriched in the more southern portions of this continent, it remained, for more than two centuries and a half, without any permanent settlement by civilized men. During this long period, Spain constantly asserted her right of proprietorship in it by virtue of discovery, and had formed temporary establishments in its neighborhood from time to time. During the half century which succeeded, it was frequently visited by ships of other nations, by accident, for purposes of exploration, or for objects of commerce, and thus there arose a number of claimants to the rights of sovereignty and domain. The claims of Russia have been adjusted with Great Britain. She holds, by the acquiescence of the latter, the whole north-west coast of America north of latitude 54° 40', as far back as the first range of highlands; and by virtue of a convention with the United States, we have agreed to form no settlements north of that parallel. The southern line of Oregon we hold to be fixed, by the settlement of the boundary line between the United States and Mexico, at 42°. The territory in dispute has, therefore, a coast of twelve parallels and two-thirds of latitude, running back into the interior to the Rocky Mountains; and the United States and Great Britain are the only claimants to the right of proprietorship in it.

Before I proceed to examine their respective claims, it may be proper, as the subject has been referred to on this floor, briefly to state the conditions, under which, by the usage of nations, a right of property in lands uninhabited, or unoccupied by wandering tribes, may be acquired.

The basis usually relied on to support a right of this nature is discovery; but it is a ground

of right which becomes untenable, unless followed by an actual occupation of the discovered territory. If a title is not perfected, by occupation, a second discoverer may appropriate the territory thus neglected by the first. But this must be upon reasonable evidence of the intention of the first discoverer not to take possession of it. If a second discoverer were to seize upon and appropriate the discovered territory, before the first had time to form an establishment within it, such an act of interference would be regarded as an unwarrantable intrusion, which the latter might justly resist. On the other hand, if the first discoverer neglects within a reasonable time to take actual possession of, to form settlements in, or make some actual use of, the regions he has discovered, the law of nations will not acknowledge in him any absolute right of property in or sovereignty over it, even though he may have set up monuments or memorials of his discovery at the time it was made. Such is the spirit of the rules in relation to the discovery and occupation of an uninhabited territory, as stated by writers on international law. It is certainly not easy to lay down any invariable rule in respect to the time within which, or the circumstances under which a title by discovery must be perfected by occupation. The rules and maxims of international law are but a practical application of the principles of universal equity and justice; and in the settlement of questions of this nature, the real objects and intentions of the parties are to be sought for in a reasonable interpretation of their acts. I believe, however, the doctrine may be considered fairly inferrible from the whole body of the law on this subject, that rights by discovery are good until superseded by rights of occupation. With regard to Great Britain, I think I may safely say, that her practical rule pushes this doctrine farther. She resists all attempts by others to acquire rights of occupation in territories which she has discovered, and thus renders her own rights by discovery perpetual. She discovered the Chatham Islands in 1791, by Captain Broughton, in the armed tender *Chatham*, after parting company with *Vancouver* on the way to the north-west coast.\* She has not occupied them until recently; and I am not sure that there is now any thing more than a whaling establishment on them; but she insists that no other power shall occupy them, because it would be injurious to her settlements in New Zealand, which are nearly five hundred miles distant from them.

I propose now to see what acts have been performed in respect to Oregon by different nations; or, in other words, to examine the nature of the discoveries which have been made, and the establishments which have been formed in that region, applying to them as I proceed the principles I have concisely stated.

The first discoverer of any part of the north-

\* See *Vancouver's Journal*, book 1, chapter 11.

west coast of America north of, or in immediate contiguity with the boundary between us and Mexico, was Ferrelo. He was the pilot of Cabrillo, the commander of an expedition fitted out in Mexico in 1543, fifty-one years after the discovery of San Domingo by Columbus. Cabrillo died on the voyage, and Ferrelo succeeded to the command. He examined the coast from the Santa Barbara Islands, in latitude  $34^{\circ}$  to the 43d parallel of latitude, but the latter part of his voyage was made, I believe, without landing, and by a mere inspection of the coast from his vessel. In 1535, eight years before this exploration was made, possession had been taken of California by Fernando Cortez, in the name of Spain, and an establishment had been formed in  $24^{\circ}$  of north latitude. This establishment was kept up for several years; and the Gulf of California to its northern extremity, with the western coast as high as  $38^{\circ}$  north latitude, had been explored. These explorations, and the establishments formed in carrying them on, were all made in pursuance of a settled purpose on the part of Spain to extend her dominion over the uninhabited territory on the north-western coast of America. The discoveries to which these explorations led, were therefore not accidental. The expeditions were fitted out for the single object referred to. In the prosecution of this design, it is true, the most arrogant and absurd pretensions were set up by Spain in respect to the exclusive navigation of the Pacific; but these must not be permitted to prejudice her just claims to portions of the continent washed by its waters on the ground of discovery and occupation, and the declared purposes she had in view.

The next navigator who appeared on the north-west coast was Sir Francis Drake. He left England in 1577, on a predatory expedition against the dominions of Spain in the Pacific. In 1579, after having accomplished his object, and carried devastation and terror into the unprotected Spanish settlements on the coast, he landed in  $38^{\circ}$  north latitude, in a bay supposed to be that of San Francisco, and passed five weeks in repairing his vessel. He took possession of the country, and called it New Albion. It is pretended that Sir Francis Drake followed the coast as far north as  $48^{\circ}$ ; but the best authorities fix the northerly limit of his examination, which was a mere inspection from his vessel, at  $43^{\circ}$ , the supposed boundary of Ferrelo's inspection more than a quarter of a century before. As the British negotiators have abandoned Drake's expedition as a part of the basis of their claim, I will not dwell upon it, excepting to add that his examinations were accidental; they were not made in pursuance of any purpose of exploration or settlement; they led to the discovery of no new territory; and they were not followed up by an actual occupation of the soil. For two centuries no claim to territorial rights, that I am aware of, was set up by Great Britain on the ground of Drake's pretended discoveries.

The next explorer was the Greek pilot, Juan de Fuca, who was sent to the north-west coast in 1592, seventeen years after Drake, by the Viceroy of Mexico, for the purpose of discovering the imaginary Strait of Anian, supposed, at that day, to connect the north Pacific with the north Atlantic Ocean. In the prosecution of his voyage he entered an extensive inlet from the sea, as he supposed, between the 47th and 48th parallels of latitude; and sailed more than twenty days in it. Such is his own account as detailed by Michel Lock; and it accords as well as his descriptions, so nearly with the actual nature of the localities, that it is now generally conceded to be substantially true; and his name is conferred by universal consent, on the strait between the 48th and 49th parallels of latitude; Spain had thus made discoveries on the north-west coast before the close of the sixteenth century, as far north at least as the 48th degree of latitude, and the nature of the explorations from their extent and the settled purpose in pursuance of which they were made, excludes all claim of discovery by others down to that period of time.

In 1603 Vizcaino, a distinguished naval commander, under an order from the King of Spain, made a careful survey of the coast of California to Monterey, in the 37th parallel of latitude; and he also explored the coast as far north as the 43d parallel, giving names to several bays and promontories as he advanced. During the seventeenth century, at least seven different attempts were made by the Spaniards to form establishments in California; but from the hostility of the natives, and other causes, these attempts failed, so far as any permanent settlement is concerned, excepting the last, which was made in 1697. But, within sixty years from this time, sixteen principal establishments were formed by the Jesuits on the western coast of America, between the Gulf of California and Cape Mendocino, one of which was in the Bay of St. Francisco, near the 38th degree of latitude. During the whole period from the landing of Fernando Cortez in California, and the latter part of the eighteenth century, Spain had uniformly asserted her title to the north-west coast of America, and had from time to time made efforts not only to extend her discoveries there, but to perfect her right of empire and domain by permanent establishments.

In 1774, Perez was ordered by the Viceroy of Mexico to proceed to  $60^{\circ}$  north latitude, and explore the coast south to Monterey, and to take possession in the name of the King of Spain of the places where he should land. He succeeded in reaching the 54th parallel within two-thirds of a degree of the northern boundary of the disputed territory, whence he returned along the coast to Washington's Island, as it was called by Captain Gray, or Queen Charlotte's Island, as it was afterwards named by the British navigators. In latitude  $49^{\circ} 30'$  he entered a capacious bay, where he remained

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for some time, trading with the natives—the same bay, beyond all question, which was four years afterwards called King George's Sound, by Capt. Cook, and is now known as Nootka Sound.

The next year, (1775,) Heceta sailed as far north as the 48th degree of latitude, and explored the coast south, filling up the outline which Perez had left incomplete. He had previously landed at  $41^{\circ} 10'$ , and erected a cross with an inscription setting forth that he had taken possession of the country in the name of his sovereign. In latitude  $46^{\circ} 17'$  he discovered a rapid current outward from the land, opposite to an opening, which he immediately pronounced to be the mouth of a river. From him it was first called the *Entrada de Heceta*, and afterwards the river *St. Roo*. He made repeated attempts to enter it, but was constantly baffled by the violence of the current. This is now conceded to have been the mouth of the river *Columbia*, which was discovered and entered by Captain Gray, of Boston, seventeen years afterwards.

During the same year the coast was explored from the 56th to the 59th degree of latitude by *Quadra* (y *Bodega*) and *Manrelle*, who erected crosses in testimony of their discoveries. On their return, they visited the coast at the 47th degree of latitude, and explored it from the 45th southwardly to the 42d.

It will be perceived by these details which I have deemed it necessary to state with some particularity, that previous to 1778, the year in which Captain Cook visited the north-west coast, the Spaniards had examined it with great care and perseverance, from  $37^{\circ}$  to  $49^{\circ} 30'$ . They had also examined it from the 54th to the 59th parallels, and visited it at intermediate points. And in these explorations they were wholly without competitors, excepting on the part of some Russian navigators, who had made discoveries north of the 56th parallel, and Drake, who had visited the coast at the 38th. During the two centuries which intervened from the expedition of Drake to the third voyage of Cook, no attempt had been made, nor any design indicated on the part of Great Britain, to avail herself of any pretended claim by virtue of the transient visit of the former to the coast; while Spain constantly asserted her right to it by virtue of previous and subsequent discoveries. And in California and its neighborhood she had, after repeated efforts, succeeded in effecting the permanent occupation of the country, which was her earnest object—an object which no other power during that long period had even in contemplation.

The third voyage of Captain Cook, undertaken in 1777, gave the first indication of a desire on the part of Great Britain to appropriate such parts of the north-west coast of America as she considered open to settlement, and subject them to her dominion. He was instructed to take possession in the name of the King, of convenient situations in the countries he might

discover that had not been already discovered or visited by any other European power. In 1778 he landed at Nootka Sound in  $49^{\circ} 38'$  north latitude, where he remained nearly a month trading with the natives and refitting his vessel. I believe this was the only point within the territory in dispute, at which Captain Cook landed; and it is proved by its latitude to be the same bay which Perez discovered four years before, and in which he passed some time, like Captain Cook, trading with the natives. The subsequent explorations of the latter were made farther north—I believe he did not see the coast south of  $55^{\circ}$ —with a view to the discovery of a passage between the Pacific and Atlantic Oceans, and they have no bearing on the question under discussion.

The explorations of Captain Cook gave no title whatever to Great Britain on the score of discovery—the only place where he landed having been previously visited by Perez. Besides, if she had gained a contingent right of possession by virtue of his explorations, she did not proceed to perfect her title by a formal occupancy. The neglect of Great Britain to take actual possession of Nootka Sound, even if she had gained a contingent right by discovery, is conclusive against any claim on her part to a right of property in it. For eight or nine years the British flag was not once unfurled there as I can learn, although the place had, in the mean time, been visited by navigators of other nations; and it was not until several years later still that it was even entered by a public armed vessel of Great Britain; and then not until the Spanish Government had taken formal possession of it.

In 1787, Berkeley, an Englishman, in the service of the Austrian East India Company, saw the Strait of Juan de Fuca, but without attempting to enter it. In like manner, Meares, a lieutenant in the British navy, though in the service of a Portuguese merchant, and sailing under the flag of Portugal, sent a boat a few miles into the strait in 1788, having learned from Berkeley that he had re-discovered it in the preceding year. Meares also explored the coast in the vicinity of the mouth of the Columbia River, and came to the conclusion, to use his own language, that "no such river as that of St. Roo exists as laid down in the Spanish charts."—*Voyages, &c., John Meares, Esq., page 168.*

As the transactions in which Meares was engaged, on the north-west coast, are intimately connected with the claim of Great Britain to a right of joint occupancy in respect to Oregon, I trust it will not be deemed superfluous if I examine them somewhat in detail.

Before making the explorations above referred to, Meares had landed at Nootka Sound, and left a party to build a small vessel. He had, for a trifling consideration, obtained the grant of "a spot of ground" from Maquinna, the king of the surrounding country, to build a house for the accommodation of the party.

The occupation was avowedly for a temporary purpose; and he had stipulated with Maquinna to restore the possession to him, when he (Meares) should finally leave the coast.\* In the autumn of the same year he left Nootka Sound with his vessels, one of which wintered in China, and the two others in the Sandwich Islands. I should have before observed that he arrived at Nootka Sound with two vessels, the *Felice*, and the *Iphigenia*; and the third, the *Northwest America*, was built there during the summer. In the mean time, the *Columbia* and the *Washington*, two American vessels from Boston, entered the Sound, and passed the winter; and from all the testimony relating to the subject, there is no doubt that the lot occupied by Meares was abandoned, or restored to Maquinna, in pursuance of the agreement between them. During all this time, it is to be recollected, Meares was sailing under the Portuguese flag; and it is a curious fact, that he carried with him instructions to repel by force any attempt on the part of Russian, Spanish, or English vessels, to seize him or carry him out of his way. He was further instructed, in case he was successful in capturing his assailant, to sent the vessel to China, to be condemned, and the crew to be tried as pirates;† and yet, sir, notwithstanding he was sailing under a foreign flag, with orders to treat his Britannic Majesty's subjects as pirates, in case they molested him, the British Government does not scruple to found its title to Oregon on his voyage.

Though the vessels of Meares sailed under the Portuguese flag, and under the name of a Portuguese subject, he asserted, in his memorial, that the parties in interest were British merchants. I desire to state the whole truth, and therefore I give a fact I have not seen noticed. At page 173 of his *Voyages*, it will be seen that he took possession of the Straits of Juan de Fuca, in the name of the King of Great Britain, in July, 1788. But independently of the objection to claims founded upon the transaction of an individual, who, under the most favorable view that can be taken of him, had sought the protection of a foreign flag to perpetrate frauds on the revenue laws of China, this unauthorized act of taking possession under such a flag, was preceded many years by similar formalities on the part of the Spanish navigators, under express orders from their sovereign. The twofold character which Meares united in his person certainly gave him manifest advantages, both as a trader and a

discoverer. He was a Portuguese captain when defrauding the revenue laws of China for the benefit of British subjects, and a British lieutenant when encroaching on the territorial rights of Spain for the benefit of the British sovereign.

On the 6th of May, 1789, Martinez, a Spanish naval commander, with two public armed vessels, entered Nootka Sound, with instructions to assert and maintain the paramount rights of Spain to the place and to the adjacent coasts. The *Iphigenia* and the *Northwest America*, two of Meares's vessels, had returned from the Sandwich Islands, still sailing under Portuguese colors, and arrived in the Sound on the 20th of April, sixteen days before Martinez. The *Northwest America* sailed eight days afterwards on a trading voyage, and the *Iphigenia* was a short time subsequently seized by Martinez, on the ground that her instructions were hostile to Spain. She was, however, soon restored, and continued to trade under Portuguese colors—a fact which shows conclusively that no claim can justly be set up by Great Britain on the basis of the voyage of Meares to Nootka, and his temporary establishment there. The *Northwest America* was also seized, for reasons not directly connected with any question of sovereignty, and was employed for nearly two years in the Spanish service.

In the month of June, 1789, two vessels, the *Argonaut* and *Princess Royal*, sailing under British colors, arrived at Nootka, and were seized by Martinez. It is unnecessary to enter into the details of this transaction. It is sufficient to say that it led to an animated discussion between the Governments of Great Britain and Spain, in respect to their rights in the Pacific, and the western coast of America, which, for several months, threatened to produce a war between the two countries, but which was finally terminated in October, 1790, by the treaty of the Escorial, or the Nootka Sound convention, as it is more frequently denominated with us. Before the negotiations were concluded, both vessels were voluntarily released by the Spanish authorities in Mexico.

As the Nootka Sound convention constitutes an essential ingredient in the claim of Great Britain, it will be necessary to advert to such of its provisions as are made the foundation of her title to the qualified exercise of sovereignty which she asserts over the north-west coast of America, and to consider them in connection with the circumstances under which they were framed. The articles which relate particularly to the question under discussion are the 1st, 8d, 5th, and 6th.

The 1st article provides that "the buildings and tracts of land situated on the north-west coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of his Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects."

\* Maquinna had not only most readily consented to grant us a spot of ground in his territory, whereon a house might be built for the accommodation of the people we intended to leave there, but had promised us also his assistance in forwarding our works, and his protection of the party, who were destined to remain at Nootka during our absence."—*Voyages, &c., by John Meares, page 114.*

† The chief was also requested to show every mark of attention and friendship to the party we should leave on shore; and as a bribe to secure his attachment, he was promised that when we finally left the coast, he should enter into full possession of the house, and all the goods and chattels thereunto belonging."—*Ib., page 180.*

† Appendix to Meares's *Voyages*, papers No. 1.



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The 3d article provides that "in order to strengthen the bonds of friendship, and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South Seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless, to the restrictions specified in the three following articles."

The 5th article provides that "as well in the places which are to be restored to the British subjects by virtue of the first article, as in all other parts of the north-western coast of America, or of the islands adjacent situate to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation."

The 6th article relates to the coast of South America; but it has an importance in containing a definition of the erections which may be made, confining them to such as may serve the purposes of fishing; and the provisions of the third article are expressly declared to be subject to the restrictions in "the three following articles," one of which is the sixth.

I now proceed to state some facts in respect to this convention, and to draw from them some conclusions at which I have arrived with some diffidence. The facts I shall endeavor to present with a rigid regard to accuracy. If my conclusions are erroneous, the better judgment of the Senate will correct them; and I shall have the consolation of reflecting that my errors—if they shall prove such—have led to the discovery of truth, which I am sure is the great object of every Senator on this floor.

The first article was practically inoperative, from a total misapprehension of the facts which it supposed. There is no evidence that subjects of his Britannic Majesty had been dispossessed of buildings or tracts of land in April, 1789, or at any other time, by a Spanish officer. In the Message of the British King to Parliament, and in the earnest discussions between the two countries in respect to the seizure of the British ships, I find no mention of such dispossession. When Vancouver was sent out, in 1792, to receive possession of the buildings, &c., to be restored, none could be found excepting those erected by the Spaniards. No building occupied by British subjects remained at Nootka in 1789, when Martinez arrived there; and it was denied by the Indians that any tracts of land had been ceded to British subjects. In fact, there were no traces of the occupancy which the article supposed. The

only pretence of a cession of territory of which there was any evidence, was the right acquired by Meares while acting in the name of a Portuguese citizen, and sailing under the flag of Portugal, to occupy temporarily a very small lot, which he himself admits he had agreed to restore when he should leave the coast.

After a long controversy on this subject between Vancouver and Quadra, the Spanish commander at Nootka, the former departed without receiving any restitution of buildings or lands, and the subject was referred to their respective Governments. In 1796, Captain Broughton arrived at Nootka, and found the place unoccupied. (See his Voyage of Discovery to the North Pacific Ocean, page 50.) He nowhere states that he was sent out with instructions to adjust the difficulty. But he says he was informed, by letters left with Maquinna, the Indian king, that "the Spaniards had delivered up the port of Nootka, &c., to Lieutenant Pierce, of the marine, agreeably to the mode of restitution settled between the two Courts." But there is no proof of such restitution. The only authority relied on to show such a restitution, is one recently produced by the London Times. I allude to De Koch, vol. 1, page 126. He says:

"The execution of the convention of the 28th October, 1790, [the Nootka convention,] experienced some difficulties which delayed it till 1795. They were terminated the 28d of March of that year, on the spot itself, by the Spanish Brigadier Alava and the English Lieutenant Poara, who exchanged declarations in the bay of Nootka; after which the Spanish fort was destroyed, the Spaniards embarked, and the English flag was planted there in sign of possession."

De Koch has the reputation of being accurate; but there is certainly one error in his statement. There was no such name as Poara in the British Registers of that year. He doubtless meant Pierce.

In opposition to this testimony of a foreign writer, we have the assertion, twice repeated, of the British historian, Belsham, that the Spanish flag at Nootka was never struck, and that the place was virtually relinquished by Great Britain.† If any restitution was ever

\* See *Histoire Abrégée des Traités de Paix*, &c., par M. de Koch, continué, &c., par F. Schoell.

† L'exécution de la convention du 28 Octobre, 1790, éprouva, au reste, des difficultés qui la retardèrent jusqu'en 1795. Elles furent terminées le 28 Mars de cette année, sur les lieux mêmes, par le Brigadier Espagnol Alava, et le Lieutenant Anglois Poara qui échangèrent des déclarations dans le golfe de Nootka même; après que le fort Espagnol fut rasé, des Espagnols s'embarquèrent, et le pavillon Anglois y fut planté en signe de possession.

‡ Il est certain, nevertheless, from the most authentic subsequent information, that the Spanish flag flying at the fort and settlement of Nootka was never struck, and that the whole territory has been virtually relinquished by Great Britain—a measure, however politically expedient, which involves in it a severe reflection upon the Minister who could permit so inaudacious an encroachment upon the ancient and acknowledged rights of the Crown of Spain.—*Belsham's History of Great Britain*, vol. 3, page 287—28.

§ But though England, at the expense of three millions, extorted from the Spaniards a promise of restoration and reparation, it is well ascertained, first, that the settlement in

made, the evidence must be in the possession of Great Britain. Señor Quadra, in 1792, offered to give Vancouver possession, reserving the rights of sovereignty which Spain had. There may have been a restitution with such reservation, but if there is any evidence of a restitution, why has it not been produced by the British negotiators, or at least referred to? Where are the declarations mentioned by De Koeh as having been exchanged? Why has the evidence never been produced? Probably because, if there is any such evidence, it must prove a condition and not an absolute surrender—such a surrender as she is unwilling to show—a surrender reserving to Spain her rights of sovereignty. If there was a restitution, and she possesses the evidence of it, she probably secretes it, as she has secreted the map of the north-eastern territory with the red line, because it would have been a witness against her. When Vancouver went out in 1792, he carried an order from the Spanish Government to the commander at the port of St. Lawrence (Nootka) to restore the buildings and districts or parcels of land which were "occupied" by the subjects of Great Britain at Nootka and Port Cox, and of "which the English subjects were dispossessed." Quadra refused to execute it. No occupation—no dispossession was proved. The treaty did not name Nootka or Port Cox. Quadra considered, doubtless, the occupation and dispossession as facts to be proved. The execution of the treaty, though absolute in its terms, depended on a contingency assumed to have happened—a contingency to be shown. In the absence of any such proof, we have a right to insist on the evidence of a restitution, full, formal, unconditional, absolute. Broughton, in 1796, says the restitution was made agreeable to the mode "settled between the two Courts." This was a mode settled on the reference of the subjects to the two Governments after the refusal of Quadra to surrender Nootka to Vancouver. Vancouver, in his Journal, vol. 6, page 118, says that on the 12th of September, 1794, Señor Alava told him at Monterey that the matter had been adjusted by their respective Courts, "nearly on the terms" which he (Vancouver) had repeatedly offered to Quadra. Even this statement, coming from Vancouver, shows that there was a new agreement between the Courts. What was the agreement? We have a right to call for its production.

Such was the practical execution of the first article of the Nootka Sound convention. One fact is undeniable. Great Britain never occupied Nootka. From 1796 to the present day

question never was restored by Spain, nor the Spanish flag at Nootka ever struck; and secondly, that no settlement has even been subsequently attempted by England on the Californian coast. The claim of right set up by the Court of London, it is therefore plain, has been virtually abandoned, notwithstanding the menacing tone in which the negotiation was conducted by the British administration, who cannot escape some censure for encouraging those vexatious encroachments on the territorial rights of Spain."—*Belknap's History of Great Britain*, vol. 8, Appendix, pages 40, 41.

no attempt has been made to re-occupy it by civilized men. Captain Belcher, a British naval officer, visited the place in 1837, while making a voyage round the world. In his narrative, page 118, vol. 1, he says:

"No vestige remains of the settlement noticed by Vancouver, nor could I discern on the site of the Spanish battery the slightest trace of stones employed for building. The chiefs pointed out where their houses stood, and where the potatoes grew, but not a trace remains of a European."

The third article, besides stipulating for an unmolested enjoyment of the right of navigating and fishing in the Pacific and South Seas and landing on the coast, conceded in express terms to the subjects of both nations the right to form settlements in places not already occupied; but this right was subject to the restrictions of the three following articles, one of which was to limit its exercise to the parts of the coast, or the islands adjacent north of the parts already occupied by Spain. It had, by the terms of the compact, no application whatever to parts of the coast of North America south of the places occupied by Spain at the time the treaty was made. The important question arises, What was the most northern point occupied by Spain in 1790? This became a matter of disagreement between the Spanish and British authorities at a very early day after the Nootka Sound convention was formed. Vancouver claimed not only the whole of Nootka Sound but also Port Cox south of it; and he insisted, to use his own phraseology, that "the northernmost spot on the Pacific coast of America occupied by the Spaniards previous to the month of May, 1789, was the Presidio of San Francisco, in latitude 37° 48'." Now, it will be observed that an attempt was made to give to the Nootka Sound convention a construction wholly unwarranted by its terms. Vancouver endeavored to fix the month of April, 1789, as the time when the question of the most northern occupation of Spain was to be settled. The language of the convention, in respect to the right of forming settlements, is "north of the parts of the said coast already occupied by Spain;" fixing the time, according to every just rule of construction, at the date of the treaty, the 28th of October, 1790. This construction is strengthened by the fact that a subsequent article concedes the right of forming temporary establishments on the coast of South America, south of parts "already occupied" by Spain, and referring indisputably to the date of the treaty. The words "already occupied" are the same in both articles, and they must be considered as referring to the same period of time.

The question then recurs, What was the most northerly point occupied by Spain in October, 1790, at the conclusion of the treaty?

Martinez, as has been seen, took possession of Nootka Sound on the 6th of May, 1789; and immediately landed materials and cannon for

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building and arming a fort on a small island, at the entrance of Friendly Cove. In November he returned to St. Blas, and in the spring of 1790, Captain Elías took his place. A permanent establishment was formed, vessels were sent out on exploring expeditions; and, during the negotiations between Vancouver and Quadra in 1792, the Spaniards were in possession of houses and cultivated lands. Vancouver again found them in possession in 1793, under Señor Fidalgo, and in 1794, under Señor Saavedra, and the post was maintained without interruption until 1795.\* By turning to page 386, vol. 2, of Vancouver's Journal, a view of the Spanish establishments at Friendly Cove, on Nootka Sound, will be seen from a sketch taken on the spot by one of Vancouver's party, in September or October, 1792, and it exhibits ten roofed buildings, with several enclosures of cultivated land. It also exhibits, totally distinct from these lands and buildings, a cove adjoining, and a reference to it, stating that it includes "the territories which, in September, 1792, were offered by Spain to be ceded to Great Britain." This was the site of the hut occupied by Meares, and the Spanish commander refused to make a formal and absolute surrender to Great Britain of any other land.

Thus it is established, by proof not to be impeached, that the Spaniards were in the occupation of a post at Nootka Sound in 1790, when the convention was negotiated and concluded; and I submit, therefore, whether this must not be regarded as the southern limit of the region, within which the right of forming settlements, recognized or conceded by the convention, was to be exercised. This point was strenuously and perseveringly insisted on by Quadra in his negotiation with Vancouver, and with obvious justice. To use Vancouver's own language, page 343, 2d volume, of his Journal, Quadra observed that "Nootka ought to be the last or most northwardly Spanish settlement; that there the dividing line should be fixed, and that from thence to the northward should be free for entrance, use, and commerce to both parties, conformably with the fifth article of the convention; that establishments should not be formed without permission of the respective

Courts, and that the English should not pass to the south of Fuca." Such was Quadra's construction of the treaty; and he uniformly refused to make any formal surrender of territory or buildings excepting the small cove referred to. Nootka Sound is midway between the 49th and 50th parallels of latitude; and south of this point, if Quadra's position was well taken, Great Britain could claim no right by virtue of the convention, though it were still in force.

That Great Britain would have had the right, under the convention, at any time during its continuance to form a temporary establishment on any part of the north-west coast north of the Spanish post at Nootka, will not be disputed; though it would have been subject to the right of free access and trade reserved to the subjects of Spain. But she neglected to assert her right. She formed no settlements in pursuance of the convention; and, in 1796, Spain, by declaring war against her, put an end to the treaty, agreeably to the acknowledged principle of international law, that the permanence of treaty stipulations can only be secured by express agreement, and that without such an agreement, they cease to be binding on the occurrence of hostilities between the contracting parties, unless there is something in the nature of the questions settled which is, of necessity, permanent and final. Having failed, then, to make any settlement on the coast from 1790 to 1796, all rights conceded by the convention ceased with the declaration of war by which it was terminated. From that time forth Great Britain stood in precisely the same relation to Spain as though the convention had never been formed; and in order to establish any claim she may advance to territorial rights on the north-west coast, she must resort to those general rules founded upon discovery and occupation, which were briefly adverted to at the commencement of my remarks.

I will not discuss the question whether the treaty of the Escorial was revived by the treaty of Madrid, in 1814. I consider it put at rest by the able argument of the American negotiator, Mr. Buchanan.

Let me now revert to the progress of discovery and exploration which I was briefly sketching, and which was interrupted by the events of the Nootka Sound controversy.

In 1789, the American sloop *Washington*, commanded by Captain Gray, who afterwards discovered the Columbia River, entered and sailed fifty miles in the Strait of Juan de Fuca. Meares in his narrative describes a voyage by the *Washington* entirely through the Strait to the north of the Islands of Quadra and Vancouver, and thence into the Pacific. If such a voyage was ever made, it must have been under Captain Kendrick, who was, at another period, in the command of that vessel; for Gray, when he met Vancouver in 1792, said it was not made by him. But, be this as it may, it is certain that the *Washington* was the first ves-

\* Vancouver arrived at Nootka Sound on the 20th May, 1792, and found the Spaniards in possession. He says: "An officer was immediately despatched on shore to acquaint Señor Fidalgo of our arrival, and that I would salute the fort if he would make an equal return; this was accordingly done with eleven guns."—*Vancouver's Journal*, vol. 2, page 452.

Vancouver arrived at Nootka Sound on the 15th of October, 1792, and, to use his own words, "the usual ceremonies of salutes, and other formalities, having passed, accompanied by Mr. Puget, I waited on Señor Saavedra, the commander of the post."—*Vol. 4, page 288.*

Vancouver arrived at Nootka Sound on the 2d September, 1794, and found Brigadier General Alava in command. He left without resuming the negotiation which he had commenced with Quadra, in 1792. On the 12th November, 1794, he was informed by General Alava, at Monterey, where they met, that instructions had been sent to adjust the matter in an amicable way, and nearly on the terms which he (Vancouver) had repeatedly offered to Señor Quadra in September, 1792. But of this, as has been seen, there is no satisfactory evidence.—*See 6th volume, page 118.*

sel which penetrated the Strait beyond its mouth after its discovery by De Fuca. A subsequent examination was made in 1790, as high as 50°, by order of the Spanish commander at Nootka Sound; so that its shores were well known in their general outlines before the examinations made by Vancouver two years afterwards.

In 1792, Vancouver arrived on the northwest coast, with instructions to examine and survey the whole shore of the Pacific from the 35th to the 60th parallel of latitude, and particularly to examine "the supposed Strait of Juan de Fuca," "through which the sloop Washington is reported to have passed in 1789, and to have come out again to the northward of Nootka." He passed the mouth of the Columbia River which he considered as an opening undeserving of "more attention," and came to the conclusion, that between the 40th and 48th parallels of latitude the rivers which had been described "were reduced" (I use his own words) "to brooks insufficient for our vessels to navigate, or to bays inapplicable, as harbors, for refitting." On the 29th of April, he met Captain Gray in the ship *Columbia*, from Boston, and was informed by him that he had "been off the mouth of a river in the latitude of 46° 10', where the outset or reflux was so great as to prevent his entering for nine days." And Vancouver adds: "This was probably the opening passed by us on the forenoon of the 27th, and was apparently inaccessible, not from the current, but from the breakers that extended across it."—Vol. 2, page 48. Notwithstanding this communication by Gray, Vancouver, relying on his own examinations, still remained of the opinion (and he so records it) that, "if any inlet or river should be found, it must be a very intricate one, and inaccessible to vessels of our burden, owing to the reefs, broken water," &c.; and he concludes that he was "thoroughly convinced" that he could not "possibly have passed any cape, navigable opening, harbor, or place of security for shipping on this coast, from Cape Mendocino to the promontory of Olasset," the entrance of the Strait of Fuca.—Vol. 2, pages 58 and 59.

Only eight days after parting with Vancouver, Gray discovered Bulfinch's Harbor, between the mouth of the Columbia and the Strait of Fuca, and remained three days in it. On the 11th of May, 1792, the day after he left Bulfinch's Harbor, he saw, to use his own words, "the entrance of our desired port," and in a few hours was anchored in "a large river of fresh water," as he terms it, to which he gave the name of the Columbia. He remained in the river nine days, and sailed, as he states, more than twenty miles up the channel from the bar at its entrance. Thus was verified the conjecture of Heceta, who seventeen years before, saw an opening in the coast, which on the Spanish maps was called the River St. Roc. Meares and Vancouver had asserted, in the most positive manner, their conviction that no

such river existed; yet when the fact was clearly ascertained by Captain Gray, who had given copies of his charts to Quadra, the Spanish commander at Nootka, Vancouver, having procured copies from the latter, sent Lieutenant Broughton to examine the river, and take formal possession of it. Broughton not only performed both these services, but, for the purpose of earning for himself the reputation of a discoverer, he labored in his account of his expedition, to rob Captain Gray of the merit of discovering the river, by the unworthy device of drawing a distinction between the bay in which it debouches and the upper part of the stream. Public opinion has rejected this unmanly attempt; and Captain Gray is admitted by all fair-minded men to have been the first person who entered the river, and solved the doubt which had long prevailed with regard to its existence; while Vancouver, twelve days before the discovery, had not hesitated to deny on the strength of his own personal examination, made "under the most favorable circumstances of wind and weather," to use his own language, that no such great river existed. This attempt on the part of Broughton is the more unmanly, from the fact that he actually entered the mouth of the Columbia with the aid of Gray's chart. I am disposed to acquit Vancouver, in a great degree, from all participation in the odium of this act. The account of the examination of the Columbia by Broughton, contained in Vancouver's Journal, though in the language of the latter, is in fact a report made by Broughton, the commander of the party, as may be seen by reference to the Journal, volume 3, page 85. Vancouver more than once recognizes Gray distinctly as the discoverer of the Columbia. At page 388, volume 2, he expresses the hope that he may be able, in his route to the southward, to "re-examine the coast of New Albion, and particularly a river and a harbor discovered by Mr. Gray, in the Columbia, between the 46th and 47th degrees of north latitude, of which Señor Quadra had favored me with a sketch." At page 393, same volume, he says he directed that "Mr. Whidbey, taking one of the Discovery's boats, should proceed in the *Dædalus* to examine Gray's harbor, said to be situated in latitude 46° 53', whilst the *Chatham* and *Discovery* explored the river Mr. Gray had discovered in the latitude of 49° 10'."

The explorations of Vancouver, though they resulted in a minute and critical examination of the shores of the Strait of Fuca, led to the discovery of no new territory; and it is a singular fact, that while this naval officer of Great Britain, himself an accomplished navigator, furnished with all the means of making scientific investigations, was pursuing the examinations which were the great purpose of his expedition, Captain Gray, in a trading vessel, and in the prosecution of commercial objects alone, discovered the only two important openings, the Columbia River and Bulfinch's Harbor.

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on the north-west coast, from the 40th to the 48th parallel of latitude, where Vancouver, after the most critical survey, had discovered none.

It is indeed an extraordinary circumstance that the existence of all the great inlets on the coast, to which Great Britain now lays claim on the ground of discovery, was strenuously denied by the navigators in her public service until those inlets were discovered and made known by others. We have seen what Vancouver said in relation to the coast between the 40th and 48th parallels of latitude. On the 22d of March, 1778, Captain Cook was in latitude 48° 15', inspecting the coast. The promontory of Olasset, (or Cape Flattery, as he denominated it,) the southern cape at the entrance of the Strait Juan de Fuca, was in full view, and but a few miles distant. Hear what he says in relation to the strait:

"It is in this very latitude where we now were that geographers have placed the pretended Strait of Juan de Fuca. But we saw nothing like it; nor is there the least probability that any such thing ever existed."—*Cook's Third Voyage*, vol. 2, p. 263.

Now, however, Great Britain claims the whole strait and the adjoining country by Vancouver's discovery, though he himself admits (as we shall see) that the Spaniards had surveyed and mapped a portion of it before he arrived on the north-west coast.

In the letter of the British Plenipotentiary, Mr. Pakenham, of the 29th of July last, the following passage will be found at page 67, documents accompanying the President's Message:

"In 1792, Vancouver, who had been sent from England to witness the fulfilment of the above-mentioned engagement, [the restitution of buildings, &c., at Nootka, which, as has already been seen, were not to be found,] and to effect a survey of the north-west coast, departing from Nootka Sound entered the Straits of Fuca; and after an accurate survey of the coasts and inlets on both sides, discovered a passage northwards into the Pacific, by which he returned to Nootka, having thus circumnavigated the island which now bears his name. And here we have, as far as relates to Vancouver's island, as complete a case of discovery, exploration, and settlement, as can well be presented, giving to Great Britain, in any arrangement that may be made with regard to the territory in dispute, the strongest possible claim to the exclusive possession of the island."

To repel this assumption, the grounds of which the distinguished British Plenipotentiary appears not to have sufficiently investigated, Mr. Buchanan briefly referred to previous examinations by the Spaniards. I now proceed to show, by Vancouver himself, that the assumption is entirely unsustained by the facts.

In the first place, let me correct an error into which Mr. Pakenham has fallen at the outset, in saying that Vancouver, "departing from Nootka Sound," surveyed the Straits of Fuca,

circumnavigated the island which bears his name, and then returned to Nootka. Sir, Vancouver had never seen Nootka Sound when he surveyed the Straits of Fuca. He entered the straits on the 29th of April, the evening of the day he met Captain Gray, and proceeded immediately to survey them, as may be seen by his Journal, vol. 2, pages 40 and 52. He arrived at Nootka for the first time on the 28th of August, four months afterwards—page 334, same volume. This correction is only important as repelling the inference which might have been drawn from the fact, if it had been as stated by Mr. Pakenham, that Vancouver had been previously established at Nootka, and had departed from it, as from a regular station, on a voyage of exploration to the Straits of Fuca.

But there are more important errors to be corrected.

While Vancouver was surveying the Strait of Fuca, and the extensive inland waters connected with it, Galiano and Valdes, two Spanish officers, sent out from Nootka Sound, were engaged in the same service. The two parties met on the 22d of June, about the middle of the strait, near Point Grey, above Frazer's River, and proceeded together northerly, uniting their labors, and surveying its shores to a point near the extremity of the Island of Quadra and Vancouver, between the 50th and the 51st degree of north latitude, where they separated. And here I desire to call the special attention of the Senate to the Journal of Vancouver, which states that Señor Galiano, who spoke a little English, informed him "that they had arrived at Nootka on the 11th of April, from whence they had sailed on the 5th of this month" (June,) "in order to complete the examination of this inlet, which had, in the preceding year, been partly surveyed by some Spanish officers, whose chart they produced." Observe, sir, the inlet (i. e. the Strait of Fuca) about latitude 50°, partly surveyed and mapped a year before Vancouver came on the coast. Vancouver then continues, (p. 210, v. 2):

"I cannot avoid acknowledging that, on this occasion, I experienced no small degree of mortification, in finding the external shores of the gulf had been visited, and already examined a few miles beyond where my researches during the excursion had extended, making the land I had been in doubt about, an island; continuing nearly in the same direction about four leagues further than had been seen by us, and by the Spaniards named Faveda, [Faveda.]"

By turning back to page 204, vol. 2, it will appear that Vancouver's examination terminated at 50° 6' north latitude; so that the Spaniards, before his arrival, by his own acknowledgment, had examined the Strait of Fuca to a point north of that parallel; and by turning to page 249, vol. 2, it will be seen that, on parting with Señor Galiano, the latter furnished him with "a copy of his survey and other particulars relative to the inlet of the

sea, which contained also that part of the neighboring coast extending north-westward from the Straits of De Fuca, beyond Nootka, to the latitude of  $50^{\circ} 8'$ , longitude  $282^{\circ} 48'$ ."

What, then, becomes of this complete "case of discovery, exploration, and settlement," in respect to Quadra and Vancouver's Island, and the Strait of Fuca? It is proved by Vancouver himself, that the Spaniards had partially surveyed and mapped the shores of the strait as high as  $50^{\circ}$  a year before he arrived on the coast. And, if we turn to his Journal, vol. 2, page 339, it will soon be seen that Galiano and Valdes arrived at Nootka on the 1st of September, three days after him, by a "route through Queen Charlotte's Sound," round the northern point of the island, "to the southward of that which we had navigated," and of course following its shores more closely than he.

"The strongest possible claim to the exclusive possession of the island," to use Mr. Pakenham's language, is not, therefore, as he asserts, in Great Britain; but, as shown by Vancouver himself, it was in Spain then, and is in us now.

But, sir, I have a word to say in relation to the whole subject of Vancouver's exploration.

It would seem that the Spaniards, in the autumn of 1793, had become distrustful of Vancouver's objects in the survey of the north-west coast. At the bay of St. Francisco, although he had everywhere before been treated with a civility by the Spaniards, for which his Journal abounded in expressions of gratitude, he was subjected to restrictions, which he denominates "unexpected, ungracious, and degrading. On his arrival at Monterey on the 1st of November, the Spanish commander, Arrillaga, declined holding any verbal communication with him, but addressed to him questions in writing as to the objects of his voyage; to which Vancouver promptly replied—

"That the voyage in which we were engaged was for the general use and benefit of mankind, and that, under these circumstances, we ought rather to be considered as laboring for the good of the world in general, than for the advantage of any particular sovereign, and that the Court of Spain would be more early informed, and as much benefited by my labors, as the kingdom of Great Britain."—*Vol. 4, p. 309.*

Here is the confession of Vancouver himself, that there was no intention of interfering with the territorial rights of Spain, and that no special advantages were sought for by Great Britain. It is the highest evidence, the evidence of contemporaneous exposition, against the claims of the British Plenipotentiary, and it demolishes the whole fabric of the British title, so far as it is built on Vancouver's explorations.

While on this part of the subject, I desire also to call the attention of the Senate to the manner in which the Oregon question has been discussed in the British Parliament, by some of the most distinguished members of both branches of that body

[Here Mr. D. made an exposition of many inaccuracies in the discussion in the Houses of Lords and Commons.]

The Senate adjourned.

THURSDAY, February 19.

*Oregon—The Notice.*

Mr. Dix proceeded with his remarks, and said:

The discovery of Bulfinch's harbor and the Columbia River by Gray, and the explorations of Galiano, Valdes, and Vancouver, in the Strait of Fuca, in that year, terminated the series of maritime discoveries in the disputed territory, which had commenced two centuries and a half before. From that time to the present, nothing has been done on the coast but to fill up the smaller details of the great outline completed by the labors of these navigators.

In the year 1792, Mackenzie, leaving Fort Chipewyan, on the Athabasca Lake, in the 58th parallel of latitude, and nearly midway between the Atlantic and Pacific Oceans, proceeded westward to the Rocky Mountains, where he passed the winter. The next spring, he resumed his journey, struck the Tacoutche Tessee, (now Frazer's River,) in the 54th parallel of latitude, and descended it some 250 miles. He then continued his course to the west, and reached the Pacific in north latitude  $52^{\circ} 20'$ —about a degree north of the island of Quadra and Vancouver. Frazer's River, which takes its rise near the 55th parallel of latitude, was for nineteen years supposed to be the northern branch of the Columbia; but in 1812, it was ascertained by Frazer to debouch in the Strait of Fuca, at the 49th parallel of latitude. It waters the district of country immediately west and north of the valley drained by the upper branch of the Columbia. This district is a part of the great section of the north-west coast, bounded on the east by the Rocky Mountains, and on the west by the Pacific, of which the main channels of access had been laid open by previous discoveries.

In 1804, Captains Lewis and Clark set out on their expedition to Oregon; and, in 1805, after incredible hardships and labors, they established themselves on the north side of the Columbia River, near its mouth, and subsequently on the south side, and passed the winter there. In the spring of 1806, they commenced their journey homeward, and reached the Mississippi in the fall of that year, having travelled over 9,000 miles. This expedition was fitted out under the direction of the Government of the United States, and executed by officers in its service at the public expense. It was undertaken on the recommendation of the President, communicated in a message to Congress in 1803. One of its objects was to examine the country watered by the Columbia River, which had been discovered by a citizen of the United States, and it resulted in a survey—

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necessarily cursory—of the main southern branch of the river, of the principal stream to its mouth from the junction of the latter with it, and of a portion of Clark's River, which empties into the northern branch between the 48th and 49th parallels of latitude. This was the first exploration of the Columbia made subsequently to 1792, when it was ascended by Gray, its discoverer, some twenty miles, and five months after by a detachment from Vancouver's party, under Broughton, about one hundred miles from its mouth.

It is also to be considered that the expedition of Lewis and Clark was undertaken immediately after the cession of the territory of Louisiana to the United States by France—a territory admitted to include all the country drained by the Mississippi and its tributaries to their head waters. It was also the understanding at the time, that it was separated from the British possessions in North America by the 49th parallel of latitude extended westward from the Lake of the Woods indefinitely. Mr. Monroe, in a paper presented to Lord Harrowby in 1804, at London, stated that it had been so settled by commissaries appointed by France and England under the treaty of Utrecht; and the statement was not impugned or objected to. I am aware that a doubt has recently been raised as to the fact of such a line having been agreed on; but after nearly a century and a half, it is questionable whether an arrangement which had been acquiesced in [Colonel Benton here added—"and acted on"] as having been made by the competent authority at the proper time, can be denied, even though no authentic record of the meeting of the commissaries can be found.\* Other persons were employed by the Government to survey the southern portions of Louisiana; and these contemporaneous expeditions must be regarded by the world as a public manifestation of the intention of the United States to assert all the rights she might justly claim by discovery or otherwise to the sovereignty of the country between the Mississippi and the Pacific Ocean.

In 1806 Mr. Frazer, an agent of the North-west Company, formed an establishment on Frazer's Lake in the 54th parallel of latitude; and this was the first establishment ever made by British subjects west of the Rocky Mountains.

In March, 1811, the Pacific Fur Company, of which John Jacob Astor, of New York, was the principal, formed an establishment at Astoria, on the south bank of the Columbia River, about ten miles from its mouth, having first established themselves on the north bank; and this was the first settlement ever made on the Columbia or in the territory watered by that river or its tributaries, excepting two temporary establishments in 1809 and 1810, formed also by American citizens, which were soon aban-

doned in consequence of the difficulty of obtaining provisions, and other embarrassments. The Astoria Company also formed an establishment in 1811, on the Okanagan, a tributary entering the Columbia on the north side, between the 48th and 49th parallels of latitude; and in 1812 another near it on the Spokan, also a tributary of the great river.

In 1813 the Pacific Company, in consequence of the embarrassments growing out of the war of 1812 with Great Britain, sold "its establishments, furs, and stock in hand" (including the posts on the Okanagan and the Spokan) to the North-west Company; and a few days afterwards the British sloop-of-war *Raccoon* arrived, took possession of the place, and hoisted the British flag.

By the treaty of Ghent, ratified by us in 1815, it was stipulated that "all territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay."

In compliance with this stipulation, the establishment at Astoria was restored to the United States. The compliance was full, unconditional, and without reservation of any sort. No claim was set up by Great Britain in her written communications with the United States on this subject, at the time of the restoration, in respect to any right of sovereignty or domain in the territory thus restored. The British Minister at Washington had, it is true, a year before objected to the restoration, on the ground that the place had been purchased by the North-west Company, and that it had "been taken possession of in his Majesty's name, and had been since considered as forming part of his Majesty's dominions." The objection was virtually abandoned by the restoration; and as the place was restored without a written protest or reservation, the ground of the objection may be regarded as having been considered wholly untenable by those who took it. In this transaction, as in all others relating to the territory of Oregon, the Government of the United States maintained, in clear and unequivocal terms, its right of sovereignty. In its instructions to Captain Biddle in 1817, it directed him to proceed to the mouth of the Columbia, and there "to assert the claim of the United States to the sovereignty of the adjacent country, in a friendly and peaceable manner, and without the employment of force." This order he executed on the 9th of August, 1818, by taking formal possession of the country on the river. The formal restoration of Astoria was made on the 6th of October, 1818; and in fourteen days afterwards (on the 20th October) a convention was agreed on by the United States and Great Britain, containing the following article:

"ART. 3. It is agreed that any country that may be claimed by either party on the north-west coast

\* See an elaborate examination of the question in Greenhow's *Oregon*, page 276.

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of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers: it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences among themselves."

On the 6th of August, 1827, the main provisions of the foregoing article were renewed by the following convention:

"ART. 1. All the provisions of the third article of the convention concluded between the United States of America and his Majesty the King of the Kingdom of Great Britain and Ireland, on the 20th of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

"ART. 2. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the 20th October, 1823, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of service.

"ART. 3. Nothing contained in this convention, or in the third article of the convention of the 20th October, 1818, hereby continued in force, shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains."

On the basis of these two treaties the relations of the two countries in respect to Oregon now rest; and in order to ascertain what are the rights of the contracting parties to the territory in dispute, we must revert to the year 1818, to the *status quo* before they were entered into; for if, as has been seen, nothing contained in the treaties can prejudice in any manner their respective claims, no acts done since by settlement or otherwise can create in respect to the territory in question, any rights which did not exist then.

This position was taken with characteristic vigor and brevity by the distinguished Senator from South Carolina, (Mr. CALHOUN,) sitting before me, in a note dated the 3d of September, 1844, and addressed to Mr. Pakenham, while the Senator was acting in the capacity of a negotiator.

Sir, I wish to be distinctly understood on this point, for the reason that the Hudson's Bay Company, in which the North-west Company has been merged, has for several years been extending its establishments; and because, in the negotiations between the British Govern-

ment and ours, it has been once, at least, if not more than once, intimated by the former, that British subjects had interests there which it was bound to protect. These establishments have been made with full knowledge of the stipulations of the conventions entered into between the two countries; and on no ground, even the ground of equity, can any claim be set up on the basis of these newly created interests. To agree to suspend the settlement of the controversy, and then to draw from acts done by one of the parties during the suspension new arguments in favor of its own side of the question, is not only repugnant to every rule of fairness, but it is a violation of the letter as well as the spirit of the agreement, and tends to the defeat of the very object in view in making it.

Let us see, then, what discoveries had been made, and what establishments formed, in 1818. Those of Spain were paramount to all others. She had visited and explored the whole coast from California, where she had permanent establishments, to the most northerly line of the territory in dispute. She had discovered the Strait of Juan de Fuca, and formed an establishment within it, I think, in 1790. She had discovered Nootka Sound, and established herself there. And she was strengthened in her claims to the absolute sovereignty of the country by its immediate contiguity to California, of which she had the undisputed and undivided possession, with the exception of two temporary establishments by the Russians between the bay of St. Francisco and Cape Mendocino, which were made to facilitate their trade in furs, and by permission of the Spanish Government. It is true she had not kept up her establishments north of Cape Mendocino; but no others had been formed in the same localities; and her rights of discovery, therefore, were not superseded by rights of occupation on the part of other nations in any portion of the territory in dispute, excepting so far as they may have been derived from the American and British establishments, to which I am about to refer.

The United States had discovered the Columbia River, and ascended it at the time of the discovery to the distance of twenty-five miles from its mouth. She had also discovered Bulfinch's harbor, between the Columbia and the Strait of Fuca. She had examined the country watered by the Columbia and some of its tributaries, and she had formed establishments within it at four different periods—in 1800, 1810, 1811, and 1812—the most southerly near the mouth of the Columbia, and the most northerly between the forty-eighth and forty-ninth parallels of latitude. Spain claimed to have discovered the Columbia seventeen years before Gray entered it, but in 1821 she ceded all her rights to the country north of 42° to the United States by treaty, and thus gave us a title to the territory watered by the river, which Great



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Britain ought never to have questioned. By virtue of the same act of cession, her entire right to the coast became vested in us.

In the course of the public discussions in respect to Oregon, the United States has been charged with dishonor and bad faith in setting up a claim to that territory, 1st, by discovery, through the agency of her own citizens; and 2d, by cession of the rights of Spain. For, as has been said, if the first ground was tenable, she could not, without inconsistency, set up a claim on the second, because she had virtually denied the second by assuming the first as the basis of her right. But, sir, is it not quite possible for two nations to possess rights by contiguity, or to acquire them by discovery, neither perfect, but capable of being rendered so by a merger of both in one? Great Britain herself claims a right of joint occupancy with the United States in Oregon; and she will certainly not deny that a cession of her right to us, or ours to her, would create a perfect title to the country, without affording cause for any imputation of dishonor to either.

Great Britain, in 1818, had surveyed the Strait of Fuca after its outlines were known; but she had made no discoveries on the coast which were not comprehended within the boundaries of the great districts previously known and visited. She may have had establishments in the valley of the Columbia; but if so, I have not been able to ascertain the fact. She had discovered Frazer's River, which empties into the Strait of Fuca at the forty-ninth parallel of latitude; she had traced it from its source to its mouth; she had formed an establishment on it near the fifty-fourth parallel; and it only remains to settle by the testimony of facts the geographical relation which this river and its valley bear to the river and valley of the Columbia.

I pass by, as unconnected with the question, for the reasons I have assigned, all settlements made subsequently to 1818 by the Hudson's Bay Company, on which Great Britain has conferred large and most important powers in respect to the country west of the Rocky Mountains. Indeed, these establishments rest upon no legal concession, even by herself, which confers any right of domain. The Hudson's Bay Company has a mere right of exclusive trade with the Indians, without the privilege of acquiring any title to the soil in Oregon; and in this respect the privileges of the Company differ materially from those conferred on it in relation to the territory it possesses upon Hudson's Straits.

I also pass by, as idle, the formalities of taking possession of the country by Broughton on the Columbia, and Vancouver in the Straits of Fuca—formalities a long time before performed in numberless localities by the Spaniards—especially as those of the British navigators were unaccompanied by actual settlement and occupation, and were in direct violation of a treaty which those officers were sent out to execute.

I have endeavored, Mr. President, in the first part of my remarks, to maintain the Spanish title to the north-west coast of America. I regard all attempts to disparage it as antiquated and obsolete, to be founded upon partial and illiberal views of the subject. It is unnecessary to say to you, sir, or the Senate, that antiquity is the highest element of title, if the chain can be traced down unbroken and entire to our own times. The Spanish title to the north-west coast is almost coeval with the voyages of Columbus. It is consecrated by discovery as high as the 43d parallel of latitude by the lapse of more than three centuries; as high as the 48th by the lapse of two centuries and a half; and as high as the 54th by the lapse of more than seventy years. Sixty years ago it stood undisputed and unimpeached by any antagonist claim or pretension to territorial rights. It was confirmed and perfected by occupation as high as 49° 30' half a century ago. During the succeeding twenty years, it was not superseded by rights of occupation on the part of other nations, unless it be to the limited extent I have stated. During the last thirty years, all rights have been suspended by treaty arrangements between the only two powers who can, with any force, set up a claim to the exercise of sovereignty over the territory to which it attaches. In the consideration of national interests in territorial possessions, it is a narrow view to bind down sovereign States to all the rigorous technicalities of private tenure. Great principles of national right, viewed liberally, and applied according to the proclaimed intentions of the parties, are the only guides worthy of statesmen or Governments in the settlement of questions of sovereignty over the unoccupied portions of the earth we inhabit. The object of Spain, in respect to the north-west coast, was settlement—permanent occupation. The object of Great Britain was commerce, traffic, transient occupation. Tested by the principles I have stated, I cannot hesitate to consider the Spanish title to the north-west coast of America, which has of late been so much disparaged, as vesting rights in us which are unimpeachable.

I said at the commencement of my remarks, that one of my objects was to defend the Spanish title, by stating the historical facts on which it rests. I have performed the task which I allotted to myself. I will only add that, with what I have said, I am content, so far as I am concerned, to leave the whole question where it now is, in the hands of the Administration, relying on its firmness and its sense of rectitude to sustain our just rights, and to respect the just rights of others.

As I do not intend to intrude myself on the attention of the Senate again, without absolute necessity, on any question relating to Oregon, I desire to say now that I shall vote for the notice to terminate the convention of 1818, continued in force by that of 1827—a convention which Great Britain treats as recognizing a right of joint occupancy, but which has in

reality been for her an exclusive occupancy of the whole territory north of the Columbia. I am in favor of extending the authority of our laws and the jurisdiction of our courts over the territory; and in doing so, I would, while the convention is in force, specially except British subjects, and direct them, when charged with infractions of our laws, to be delivered up to the nearest British authorities. I would make this reservation, for the express purpose of preventing, as far as possible, a conflict of jurisdiction, and to avoid all cause for imputing to us a disregard of treaties, or a desire to produce collision or disagreement of any sort. And in order to facilitate the extension of the authority of the Union over our fellow-citizens in that remote district of our country, and to remove, as far as possible, the obstacles to a more free and efficient intercourse between us and them, I would establish at once a chain of military posts, with competent garrisons and armaments, from the remotest navigable waters which flow into the Mississippi, to the eastern face of the Rocky Mountains, stopping there so long as the convention continues in force. Duty, honor, policy—all demand these measures at our hands: and I trust they will be executed with promptitude and decision.

When Mr. DIX resumed his seat,

Mr. BENTON said: Mr. President, after thirty years of negotiation, we have made no progress in the settlement of the Oregon question; we are now where we were, so far as the understanding of the two parties is concerned, precisely where we were in 1814, at the conclusion of the Ghent treaty. In thirty years we have made no advance, and are now standing still, time and circumstances working against us all the while. In this condition of impossibility, the President has judged it right, without breaking off negotiations, to lay the whole subject before Congress, and to recommend the adoption of the legislative measures which he deems necessary for the preservation of our rights and interests on the coast of the Pacific. I concur with the President in what he has done—both in what he has offered—in what he has rejected—and in what he has recommended to Congress to do.

I think the President did right to renew the offer of compromise which his predecessors had made. It has had a good effect at home and abroad. It has united the public mind at home, and it has quieted the ebullition which the misapprehension of the inaugural address had produced in Great Britain. It has united our own people for the event, be it what it may; and it has produced abroad a state of feeling highly favorable to friendly negotiation. These are great points gained by the renewal of the liberal offer of compromise, and I rejoice that we have gained them.

The President has declined the offer of arbitration made by Great Britain. I think he did right to do so. The interest at stake is too large for that species of settlement. Territorial

rights to a country large enough for a great kingdom is not a subject for individual arbitration, whether of crowned heads, or of citizens or subjects. Small matters may be referred. Things not worth a contest may be referred. But an empire of territory, with great rivers and harbors, contiguous to, and indispensable to, one of the parties, holding a claim for fifty years, which it feels to be valid, is not a matter for arbitration. No such imperial territory ever was submitted to arbitration, and in all probability never will be. The previous Administration rejected it: I thought it did right. The present Administration rejects it again: I think it does right. I am against arbitration under all forms, and in favor of continuing to negotiate under the better auspices which the adoption of the President's recommendation will lend to our cause.

The President recommends four measures: 1. A notice for terminating the convention of joint use. 2. An extension of law and government to the inhabitants of the disputed territory. 3. The protection of military posts, and military escort to the emigrants who go there. 4. The establishment of a monthly mail. He reserves for a future occasion the recommendation of land grants to the emigrants.

I concur with the President in all these recommendations. They seem to propose nothing but what we have a right to do—nothing but what is necessary to the preservation of our rights and interests—nothing to which Great Britain can object.

One of these measures—that of the military stations and escort—has already received the sanction of the Senate; the extension of our law to our people is to be nothing but a copy of the British act: and as for the mails, it is a mere police regulation, good for all parties, and which may not even take the form of a mail line. The mounted regiment, if raised, and the military posts, if established, will furnish, without expense, the safest and surest conveyance. Four or five mounted men, armed and supplied at each post, subject to military subordination, and relieved by fresh men and fresh horses at each post, and able to protect and defend themselves in traversing a wilderness country, exposed to savages, and all the accidents of flood and field, will be the safest and surest mail, and will cost nothing.

These three measures need no vindication: I proceed to the one that does.

The termination of the joint-use convention is the contested point. It is on this point that we have some diversity of opinion, and on which it is proper that each should contribute what he can to that unanimity which it is so desirable to attain. For myself, my own mind has been made up upon it for twenty-eight years—from the day of the promulgation of the convention itself. I was then a practising lawyer on the west bank of the Mississippi, and had no place either in the State or national

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councils; but I occupied a position, geographically, to make me observant of the political movements which concerned the GREAT WEST, and to render me sensitive to the mischief which might grow out of these movements. I then saw, and saw at once, the evils of this convention, and I wrote down and published what I saw; and if it was not for the egotism which the exhibition would imply, I would now read what I then wrote as my present speech for getting rid of a treaty which I condemned from the first moment of its revelation to my view. It appeared to me then, and time has proved the correctness of my views, to be a treaty of unmixed mischief to the United States; delusive and fallacious in its terms of reciprocity; unequal, unjust, and one-sided in its operation; fatal to our immediate possession of the Columbia; dangerous to our ultimate title; entangling us in a disadvantageous and sinister connection; and precisely calculated to accomplish the object which it professed to prevent. The professed object of the convention was "*to prevent disputes and differences among themselves*;" and the means of this prevention was to mix up the people of the two countries in the joint use of rivers, harbors, countries, Indian trade, and intercourse, in a wilderness region, several thousand miles distant from metropolitan authority, and without law or government to control or direct them. Sir, the patriarchs could not live together under such circumstances! and it was in vain to expect that fur-traders—British and American fur-traders—could be more harmonious than they. A private individual in 1818, I condemned this joint-use convention from the moment that I first saw it; a member of the Senate when it was renewed in 1828, I spoke and voted against it. My name stands recorded against it in the executive Journal: not altogether, but almost solitary and alone, it stands so recorded. Cobb of Georgia, Eaton of Tennessee, Ellis of Mississippi, Kane of Illinois, and Johnson and Rowan of Kentucky, voted with me; and we seven then constituted the totality of the small phalanx which condemned a treaty which now receives such universal condemnation. I have been against this joint convention from the beginning. I have never seen the day that I would not have terminated it if I could; and I rejoice that the time has now arrived to see it terminated.

That convention has done us great mischief, first, in depriving us of the benefits of the Ghent treaty in relation to the Columbia. By the first article of that treaty, we had a right to the restitution of that river, which had been taken from us during the war. As early as the month of July, 1815—within six months after the ratification of the treaty—President Madison took measures for its restoration. He applied for an order to that effect to the British Chargé d'Affaires at that time in Washington, Mr. Anthony St. John Baker, who declined giving it, on the ground of want of instructions

from home. Application was then made to the British Ministry in London, and by them the order was given. Our right to restoration, and to be the party in possession while treating of the title and until the question of title was decided, was amply admitted by Lord Castlereagh. This was in February, 1818. On the first day of October of that year, Mr. Prevost, the United States agent for the purpose, was carried to the Columbia in a British sloop-of-war, and the restitution of the country was formally made to him. All was then safe for the United States, and we might have proceeded at our leisure, and without question from any quarter, to occupy, settle, and govern the Columbia like any other territory of the United States. Unfortunately, in the very moment that our agent was receiving the country under the Ghent treaty, our Ministers were giving it back under a new treaty in London. The convention for the joint use of each other's territories west of the Rocky Mountains was signed on the 20th day of the same October; and if it had been a convention for the total surrender of the Columbia to the British, and the total expulsion of Americans from it, it could not have been more effectual for that purpose than it was. All Americans were immediately expelled from the country, and all appeals to our Congress to give protection to our countrymen there, were met by the stipulations of this convention, which gave the British equal rights there with ourselves. We lost every thing and gained nothing, under this delusive convention, which was, in fact, both a geographical and a political blunder. It stipulated for the joint and free use of "all navigable rivers" claimed by either party in that region, as if each party possessed several such rivers there, when there was but one such river, and that belonged to the United States. It stipulated for the free and joint use of "all harbors," as if there were many harbors to be used; when, in fact, there was but one that either party could use in the prosecution of their business, and that one was ours—the mouth of the Columbia. It stipulated for the free and joint use of "all territories" which each party claimed westward of the Rocky Mountains, when all experience proved that no American could go upon British ground to hunt or trade with Indians, and that the only effect of this partnership in territory would be to lose the whole benefit of our own, without gaining the slightest use of theirs.

Sir, I have a document in my hands—a message from President Jackson to the Senate, in the year 1831—in relation to the British establishments on the Columbia River, and the manner in which the Hudson Bay Company carried on the fur-trade there; and in which it may be seen in what manner the joint-use convention had operated up to that time. Under the imposing caption of "all navigable rivers," it shows that the Columbia alone had been used, and that it had been monopolized by the British

from the sea to the mountains. Under the head of "all harbors," it shows that the harbor at the mouth of the Columbia alone had been used, and that by the British, for the free export of furs and the free import of goods, on which they would have paid us large duties, had it not been for this fine convention. Under the head of "all territories," it shows that we had lost all—that the British had overrun the whole valley of the Columbia, penetrated into California, entered all the recesses of the Rocky Mountains, driven our people everywhere out of the field, and actually pursued them down upon the head waters of the Missouri River. It shows that our fur trade was utterly destroyed in that quarter; and one of the informations communicated by President Jackson—a paper furnished by the two most competent men in America to furnish such a statement (Governor Cass of Michigan and Governor Clark of Missouri)—stated that, in our struggles for the fur trade on the Upper Missouri, in the Rocky Mountains, and on the Columbia, we have suffered a loss, up to that time, (1830,) of at least five hundred lives, and more than five hundred thousand dollars of property. This was the effect, in great part, of the joint-use convention; and in this condition things remained, the British in exclusive possession of our territory, our river, and our harbor, until the year 1842, when the heroic population of the West commenced that emigration to the Columbia which now, after thirty years of Government neglect, is beginning to recover the country which diplomacy had lost. Yes, sir, diplomacy lost us the country; the energy of the Western people is beginning to recover it.

Mr. President, how brief are the lessons of experience! How slight and transient are the lessons read to us by history, and even by our own history! All this tragedy of errors of thirty years on the Columbia—this non-execution of the Ghent treaty—this mixing up of British and American traders, with equal rights and privileges in each other's territories—and this catastrophe of life and property to Americans on their own ground—all this is nothing but the re-enactment of the old scenes in the territory north-west of the Ohio, after the treaty of peace, and Jay's treaty. Then, as now, military posts were retained, which ought to have been surrendered under the treaty of peace. Then, as now, a treaty (Mr. Jay's) gave British and American traders equal rights of trade in the territories of each other. Then, as now, the Americans were driven from their own territories, with great loss of life and property; and fierce Indian wars were excited against our frontiers.

Always unjust, unequal, and injurious to us, this joint-use convention has now become impossible. The Americans have returned to the Columbia. They are not to be driven out again, nor will they continue penned up on the south side of the river. The two people are there, mixed up together, without law or gov-

ernment, and subject to all the disorders which such a state of anarchy and such a mixture of different nations must produce. The patriarchs could not live together under such circumstances. Abram and Lot, although they were brethren, and sent to the chosen spot by the Deity himself, could not live together in the wilderness without strife. They had to separate to avoid contention. It must be so with the British and Americans on the Columbia, and worse. The two people can neither live together without law and government nor with double law and government. The condition is impossible. Collisions, violence, bloodshed must ensue, if we leave the people as they are. It is our duty to prevent these mischiefs, and we become responsible for all that may happen if we do not prevent them.

The first step is, to terminate the joint convention, and to recover our right to the complete possession of the Columbia under the Ghent treaty. We have a right to the possession of that river and its valley under the treaty of Ghent. We hold a treaty with the British for our right of possession, and we have the amplest admission of a British Minister, Lord Castlereagh, of our right to be the party in possession while treating of the title, and until the title is decided. Let us resume these great rights, so improvidently lost for thirty years by the delusive convention of 1818. The notice is necessary to this resumption, and I rejoice that the moment is at hand for giving it.

The notice is a peace measure, and can operate no way but beneficially. It will give us the immediate and exclusive possession of one-half the contested country, with the right of possession until the title to the whole is decided. This will separate the people, and keep peace among them, and will bring to conclusion this aged and barren negotiation, which has produced no fruit in thirty years. It will change the condition of parties, and make the British themselves desire negotiation. As long as things remain as they are, they are content. They have the exclusive possession of three-fourths of the country, and the joint use of the remaining fourth: this is all they ask, and more than they ask, in the way of territory. They have the free use of the river and its harbor, for the export of their furs and the importation of goods from Europe and Asia, without paying of duties: this is all they could ask in the way of navigation. They have law for the government of their people: we have none. And, more than all, they have an excuse for not complying with the Ghent treaty—an excuse which must fail them as soon as the notice takes effect, and leave them under the necessity of evacuating the country, or violating a treaty for the execution of which we hold their order. As things are, the British are content. They want no change. The joint convention, while it stands, gives them all they ask, and more too. They fear its termi-

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nation: they fear the notice! But they are not going to make war for the notice. It will make them treat, not fight.

We should take advantage of this propitious state of time and temper to settle the question while it is free from exasperation. If the joint convention continues, exasperation must ensue. Collisions must take place between the British and Americans mixed up together. These collisions must involve the two countries. The angry passions will be roused on both sides, and friendly negotiation, now so natural and so easy, may become difficult and impossible. I believe the only effect of the notice will be to accelerate negotiation, and to convince the considerate and thinking men of each country that the time has come for final and amicable settlement. Under these convictions, I vote for the notice; but I also vote for it under the full conviction that it is our right and duty to give it; that Great Britain has no right to take offence at it; and that, so far as it depends upon me, it shall be given regardless of consequences.

WEDNESDAY, February 25.

*Special Order.*

At one o'clock, the Senate proceeded to the consideration of the special order, being the Joint Resolution of Mr. ALLEN, as amended by the Committee on Foreign Relations, proposing to give notice to Great Britain of the intention of the United States to annul the convention for the joint occupancy of the Oregon Territory, and the resolutions of Messrs. HANNEGAN, CALHOUN, and CRITTENDEN, and the Joint Resolution of the House of Representatives on the same subject.

The question pending being on the substitute moved by Mr. CRITTENDEN—

Mr. DAYTON moved that the further consideration of this subject be deferred till next Monday fortnight. He thought there was no necessity of deciding on it now; it had already engrossed the attention of the Senate for a considerable time, to the exclusion of almost all other business. On the table and on the calendar there were some sixty bills and resolutions waiting the action of this body; while in the committees it was understood that much business was pressing for attention.

Mr. D. was free to confess that his own feelings had been strongly operated upon by the recent intelligence received from England, the tone of which was seemingly so very friendly and pacific; and he could not see what necessity there was for so great a hurry in pressing this question to a decision at this moment. The news appeared to him as apparently evincing a quiet, peaceable spirit, on the part of the British Government and people, and he felt disposed to meet it in the same tone of mind; and there was no better mode of showing this than by proving that we were actuated by no

such hot haste, no such rampant zeal, as would push us on to an instant decision of questions so grave and important as those now before the Senate. He would add, as a further reason for the postponement, that it would comport, as he understood, with the views of individual members of the Senate.

Mr. ALLEN said he should be constrained to vote against the motion. It had been the practice of this body, and certainly a very worthy one, to accommodate each other by the postponement for a day, or sometimes even for several days, of a subject under consideration, when any member desired it in order to complete his preparations for addressing the body; and so far the practice had promoted the enlightened discussion of important public measures, as well as that mutual courtesy which so eminently characterized the deportment and proceedings of the Senate; and Mr. A. certainly had no objection to a brief postponement of the present discussion if any Senator would say that he was inclined to speak, but wished a day or two days' delay, with a view to complete his preparations for doing so; and he should make no opposition to having the subject passed by informally for such a purpose.

But that was not the ground on which the Senator from New Jersey proposed so remote a postponement of the debate as to two weeks from Monday next. The Senator desired this avowedly as a matter of general policy. He had reminded the Senate that there were other matters on its table waiting for action, (which was very true,) and had thought that it would be wise in the Senate not to appear in hot haste to come to a decision on the pending question.

Mr. A. did not think that the haste had been great, much less hot. No part of the action of this Government was unanticipated on the other side of the water. They have now had the Message from the President for two months before them, recommending the adoption of certain measures which he deemed proper in the existing posture of our affairs. So far as the legislation of Congress was concerned, they have had an opportunity of observing that the line of policy recommended in the President's Message, has proved the basis of all our discussions, and there was nothing in the state of the question, in view of the effect intended by it to justify the motion which had just been made.

As to the news from England, of which they had heard so much, Mr. A. must be allowed to say that he differed greatly from the impressions of some gentlemen, and this he thought would appear when it came to be more closely examined. He did not think that the public expressions of opinion on the floor of the two Houses of the British Parliament, especially those proceeding from Cabinet Ministers, and much less the language and tone of the public journals, afforded any proof at all of what were the real designs of the British Government.

That sagacious Government would be the last on earth to tell the whole world what it designed to do before it was prepared to do it. All that sort of intelligence, drawn from sources without the walls of Parliament, and drawn from the language of the public prints, furnish no evidence whatever of the designs of the British Cabinet. No stress at all ought to be laid on this sort of news, and no importance whatever attached to it. If it was worthy of any regard at all, the inference to be drawn from it would be this: that purposes the very reverse of those openly professed were really and in truth designed.

Mr. CALHOUN hoped that no such motion would prevail; if no Senator was now prepared to go on, he would suggest that the vote be at once taken on the pending amendments, that some idea might be formed as to the shape the question was to assume, and every Senator would then be able to make up his mind upon his final course. He hoped this course would be taken. He understood that the Senator from Georgia (Mr. COLQUITT) had expressed a purpose of offering an amendment to the pending amendment proposed by the Senator from Kentucky (Mr. CRITTENDEN) to the resolution as reported from the Committee on Foreign Relations. The Senate was now full, and he hoped the honorable Senator from Georgia would now bring forward his amendment, and let it be passed upon, together with that of the gentleman from Kentucky, by the Senate. Then they would know what shape the resolution was to assume.

Mr. DAYTON said he had not made the motion to postpone with any view to his own personal accommodation, but altogether from other considerations. One idea had been thrown out by the Senator from Ohio (Mr. ALLEN) which demanded an answer, because it pertained to the question before the Senate. The Senator objected to this postponement lest the world should think they were quaking and hesitating, and this would have a very bad moral influence. Mr. D. was not at all afraid that the world would mistake the motives of the American Senate. The object of the motion had not been that the Senate should quail, or shrink, or even hesitate; but that in view of the eminently pacific character of the recent intelligence from England, it should show to this country, to England, and to the world, that it was looking calmly, coolly, and advisedly at the question. The Senator might possibly be right in his suspicion that the real views of the British Cabinet were not to be learned from the mouths of her leading statesmen in open Parliament, nor from the tenor of the public prints: and he would to Heaven that some other Governments might learn a little of the like prudent and dignified reserve: but still that was all the evidence we had, and, till the contrary was made to appear, and we had evidence that England did not mean what her leading Ministers declared that she did mean,

it might not be amiss to show the world that we were looking with calmness at the state of this question, and were not disposed to urge it rashly to a crisis without regard to circumstances on either side the water.

As to voting at once upon the amendments to the committee's resolution, if Senators on the other side would but recollect the course of this discussion thus far, they might readily understand that the Senate would not be willing to leave the debate where it now stood. The discussion had now for weeks been confined almost exclusively to that side of the Chamber; and they had now arrived at a point where the gentleman from Ohio himself seemed to consider that it had become rather a stale question. A little freshness was desirable by all manner of means. [A laugh.] He hoped it might comport with the views of Senators that the question might be postponed.

Mr. CASS said: If you give this notice and follow it up by the other measures, and in the mean time do not make terms with England, then I appeal to any gentleman if war will not be inevitable? What does Sir Robert Peel say? That the British Minister had refused the offer of the 49th parallel; but he speaks with the greatest caution. If he had intended a pacific course, he should have said: Mr. Pakenham is an honorable man, and has discharged his duties with fidelity, but he has taken a course which is injurious to his future utility as a Minister in America; we will elevate him to high rank, but we must recall him, and make the offer of the parallel of 49°. Until some such language was used, he could not see any thing to be gained by the postponement of this debate.

Mr. BERRIEN said: If it was in contemplation to propose now any modification of the amendment of the Senator from Kentucky, (Mr. CRITTENDEN,) Mr. B. would prefer, before any action was had on the present motion, to understand what ground was to be taken by the amendment of the honorable Senator from Georgia, (Mr. COLQUITT.) With a view to this, he would ask of the honorable Senator from New Jersey, if not unpleasant to him, to withdraw his motion.

Mr. DAYTON said he was quite willing to do so for any proper purpose, and he withdrew it accordingly.

Mr. COLQUITT said: If it was the pleasure of the Senate to vote on the amendments now, he would explain what he desired to offer as an amendment to the amendment offered by the honorable gentleman from Kentucky, (Mr. CRITTENDEN.) He had said, when previously addressing the Senate, that he was well satisfied with the preamble of the Senator's resolutions. He wished some little alteration in the verbiage of the resolution, where it devolved on the President the power to give the notice, and provided that it should not be given till after the end of the present session. He had altered it in these features, and had added a

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clause which he hoped would make it more generally acceptable to the Senators on both sides of the Chamber. He was ready for the notice in almost any form. He viewed it as a peaceful measure, and the whole question as constituting a proper subject of negotiation.

The amendment of Mr. COLQUITT was now read for information.

Mr. CALHOUN hoped that the Senate would proceed regularly in disposing of these questions. He would thank the Chair to state what was the question now before the Senate.

The VICE PRESIDENT said that the first question would be on the amendment of the Senator from Kentucky, (Mr. CRITTENDEN.)

Mr. CRITTENDEN said that as far as he was concerned he would say that, from hearing the resolution of the honorable Sennator from Georgia read, it seemed to him to be much the same in its spirit and purpose with his own. But he did not feel prepared on a mere hearing of it from the Secretary's table, to say whether he could consent to accept of it as a modification. He desired, before deciding, to request that the proposed amendment might be printed; and, in the meanwhile, that the subject might be postponed till to-morrow.

*Ordered,* That the amendment be printed.

The Senate then went into Executive session; and, after some time spent therein,  
Adjourned.

THURSDAY, February 26.

*Special Order.*

The Senate proceeded to the consideration of the special order, being the joint resolution of Mr. ALLEN, as amended by the Committee on Foreign Relations, the amendments offered by Messrs. HANNEGAN, CALHOUN, and CRITTENDEN, and the joint resolution of the House of Representatives on the same subject.

The question pending being on the substitute moved by Mr. CRITTENDEN,

Mr. BEEBE rose and said that he did not intend at present to enter into a discussion of the question before the Senate; he would take a future opportunity to express his own views upon that matter, and the views and feelings with which the State which he had the honor to represent looked upon it. He rose simply to present a resolution, which, when in order, it was his intention to offer as an amendment to any of the propositions now before the Senate; and to move that the further consideration of the subject be postponed till Monday next.

Mr. J. M. CLAYTON expressed his opinion that it might be more regular if the various amendments proposed by the Senate should be offered in the form of amendments to the joint resolution of the House of Representatives. Heretofore, they had been proposed as amendments to the report of the Senate Committee

on Foreign Relations. In the form he suggested, they would go back to the House as the action of the Senate on the resolutions from the House, and the action of the House would then be definitive. This course, in his opinion, would be the most respectful to the House, and would expedite the object all must have in view, to arrive at some conclusion on the subject.

Mr. BENTON. I think when we come to the process of voting, it will be at once parliamentary and proper that we should take up the resolution of the House, and vote upon that, and that all the propositions which gentlemen have offered, should be considered as amendments to it. The Clerk of the House, when communicating to you the resolution passed by that body, informed you that he was directed to ask your concurrence in that particular measure. We are bound to respond to that message; and the proper response will be by voting on that resolution, passing upon it, and sending it back to them either in the same shape, or in a different form, or rejecting it altogether. By that means we come to a conclusion. By that means we properly come to the end. This is the parliamentary course. Instead of acting definitively on that resolution, we send back a new resolution emanating from this body: no definitive action can thereby be attained; but resolutions might continue to be sent backwards and forwards between the two bodies, without coming to any conclusion. He would, therefore, when the proper time should come, move to postpone the resolution of the Senate now under consideration, for the purpose of taking up, and acting on the resolution from the House.

Mr. WEBSTER. When we were here yesterday, the gentleman from Georgia (Mr. COLQUITT) suggested an amendment to the resolution from the House to take the place—if that gentleman should think fit—of the amendment offered by the honorable member from Kentucky, (Mr. CRITTENDEN.) I think we adjourned yesterday leaving it to be considered by the honorable gentleman from Kentucky whether the amendment to which I refer was of such a nature as he could accept it, it not being in order to move it as an amendment to an amendment. I do not mean to say that under this motion to amend, the whole question is not open. But still I should be gratified to know from my friend from Kentucky whether, after the reflection he has given to the subject, he proposes now to adopt, instead of his own, the proposition offered by the gentleman from Georgia? I confess I feel that the time has arrived when the Senate should signify some opinion on this matter; if ever, indeed, it is to signify an opinion other than to concur or non-concur in the general proposition before them. I have not been desirous of obtruding myself upon the Senate in this matter from first to last. But I feel the extreme public inconvenience of the present state of things. I

use not too strong a term when I say the public inconvenience is "extreme" in consequence of the present posture of this affair. As far as the matter is constitutionally before us, and we are in possession of it, I think it our duty, if we are to express any opinion at all, to express it as soon as we can fairly, deliberately, and honestly form one. I wish, then, that one step may be taken—if it be a step—in our progress, to know whether the gentleman from Kentucky has made up his mind whether the subject before us, shall be the proposition in the form in which it has been presented by the gentleman from Georgia? Certainly, if it be the pleasure of the gentleman from Illinois (Mr. BRIDGES) to proceed in the discussion of the general question, and he is desirous not to proceed now, of course I shall concur very readily in any wish he may express for a postponement. But in the first place, I should be glad to know what is likely to be the posture of affairs when we shall again assemble, in order that we may see what probability there is that we shall agree on any point.

Mr. CRITTENDEN. I have examined attentively the proposition submitted yesterday by the gentleman from Georgia, (Mr. COLQUITT,) with a most anxious desire to consult the opinion of this body as far as possible, and to concentrate it on some proposition. I have no particular attachment to the terms of the proposition which I had the honor to present. I think that the modification of the gentleman from Georgia is so little different from that which I submitted, that I have not the slightest objection to accept it in lieu of mine. I have no hesitation in adopting it entirely. But beyond that which is offered as a modification of the resolution offered by me, there is a distinct and substantive resolution also proposed by the gentleman from Georgia, and as to that I am not now prepared to express so entire a concurrence as that I could now undertake to adopt it as a modification. It is not such in effect. It is a substantive, a distinct proposition, which the gentleman would be at liberty to move himself hereafter at any stage of the proceedings. But I should hope that that, too, might be so modified in point of phraseology as to remove all my objections, and enable me to accept of it likewise as a modification of part of my original proposition. But at present I do not feel authorized to accept or adopt that. There are other propositions in lieu of it, which, with a little time and consultation, might be acceptable. So far as my original amendment is affected, I give it up and adopt the proposition of the Senator from Georgia. I beg, now that I am up, to say another word. It has been alleged to be necessary to proceed so far as to take some vote here in order to indicate the wish and temper of the Senate on this great question, in time to be conveyed by the next steamer to England. I do not think that that is very important. On neither side of the water is such information likely to have much

effect on public sentiment. The motive is, I think, a very laudable one, which suggests to gentlemen the propriety that any thing tending to the preservation of the peace of the two countries should be communicated with the utmost despatch. But I do not think that it is very important that any particular vote which we may give here should be expedited or hastened for any such purpose. Not at all. We are, I think, a little too much in the habit of the Athenians, in the time of King Philip, when the inquiry at all times was—"What is Philip doing?" I hope we shall treat the subject in a spirit more worthy of ourselves—without vaunting—without prejudice or passion; that we shall look upon it as a great question in which the peace of the world is concerned, and in which it is our lot to bear a great and equal part; and that we shall act without haste, without vaunting, without prejudice, without passion, in a manner at once just and patriotic. Then we will be sure to act in the right spirit, and all the world may be assured of that. Our character gives assurance that our action will be just, patriotic, and what it ought to be. I think in this all can agree. That is the best assurance that we can have for the preservation of peace and the just estimation in which we shall be held abroad. That is a fact of which all the world is cognizant I hope. And whatever—owing to the form of our institutions—whatever may be the little effervescence that here and there discloses itself upon full discussion, and upon that protracted sort of debate to which our institutions necessarily lead—however turbulent our debates may have been—I trust that our decision will be marked by temperance and justice. Such, I believe, will be the course of this body—such its ultimate decision. I think we should not hasten to the end of this matter. There is no necessity for it as it relates to ourselves, for the notice proposed is not to be given until after the expiration of the present session of Congress. I see no necessity for hastening it. The subject, in the mean time, is open to negotiation, as a diplomatic question, between the proper departments of this and of the other Government. They have their duty to perform, and theirs is the primary responsibility on this great question. To that I hold them. To that I trust the people of the United States will hold them. To that all the world—the public opinion of Christendom and of civilized mankind elsewhere—will hold them; and not one jot of that responsibility am I willing to abate—not one. If they feel the greatness of their position let them also feel their responsibility to the world, and still more especially to their own country. They who should involve this country in a needless war, will bear responsibility heavy enough to sink a navy, sir. Let them be warned. To defend the rights of their country is one great duty. To protect the interests of their country is their duty; and of those interests peace is the greatest and mightiest of



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all. These duties are not inconsistent. It is no vaunting spirit that is to be acted on here. No fanaticism in politics must be suffered to guide the counsels of a great nation upon so solemn and serious a question. Considerations of a much more profound, of a higher and nobler character, should influence those who are intrusted with a nation's destiny. No hasty conclusions between individual negotiators; no little ponting and fretting, or strutting upon the stage, can be any justification to the American people, or before the world at large, that out of these cabinet squabbles or diplomatic quarrels two nations and the world shall be set to war and to cut each other's throats. A great majority of the Senate is anxious—we are all anxious for peace. A majority is decidedly in favor of preserving the peace of the country honorably, and of settling this question peaceably and honorably, by compromise, negotiation, arbitration, or by some other mode known and recognized among nations as a suitable and proper and honorable mode of settling national questions. For one, I express my regret at the rejection of the proposition for arbitration. I do not desire to interfere with those hands rightfully and constitutionally engaged in the negotiation of this subject; but I do not know what right we possess to exalt ourselves above all law heretofore recognized amongst nations, and to say that our territorial disputes are to be placed above all arbitration. I think, therefore, Mr. President, that there is no occasion to proceed to vote. We are well enough known everywhere, I trust, and do not need any such means of declaring our disposition and character. I would have nothing done in intemperate haste—nothing unadvisedly. All that we shall do I would have done wisely, justly, and in order; and so it will be done. In the confidence of such a character as this, I place my reliance.

Mr. WEBSTER. Mr. President, at the opening of the session, the President of the United States, uncalled for by us, but in the discharge of what he doubtless considered to be his official duty, sent to the Senate of the United States the correspondence between him and the British Government up to that time. It became a proper subject of remark in this body as well as in the other House—I say nothing as to the propriety of sending that correspondence here—I suppose such a step could be only justified on the ground that the negotiation had terminated; for certainly, in the general practice and history of government, it is found to be quite inconvenient to make public the various letters in a line of diplomatic correspondence before the end has arrived. I thought, nevertheless, that as the President in the commencement of the session, had seen fit to send out the correspondence up to that time, and as the Senate was about to be called upon to act on the question of notice, it would be expedient that the Senate should be in possession of any subsequent correspondence which

had taken place. In that motive emanated the call which I made in the Senate, and which produced the correspondence respecting the offer and rejection successively of arbitration. Now, without at this time meaning to enter into any sort of examination or remark in an unfriendly disposition or wish to embarrass—(nothing could be further from my mind)—the proceedings of the Government; yet I must say that the present position of affairs is such that it is desirable to know what is the opinion of the Executive. Nobody doubts that the two Houses of Congress of the United States have a perfect right, without giving offence to any one, to terminate the treaty of 1818. That is a right reserved in the treaty itself, and its exercise can give no just ground of complaint to anybody. That is certain. But this position must be taken in connection with other circumstances. The proposition for notice has originated in the other House, and has passed, but with a qualification there, or an addition, or whatever else it may properly be called. The resolution, thus qualified from being a resolution of naked notice, to one with conditions, comes here, and here other propositions are offered, and they are entertained—thus far at least—so far as to be considered quite in order, and fit subjects for consideration. My honorable friend from Kentucky in one part of his speech says that he is disposed to leave the responsibility exactly where the constitution leaves it—where it properly belongs—and that they who have the power shall be answerable. That is certainly a very just sentiment, and the influence of that sentiment on my own mind, from the first, has been to raise a doubt whether we should do any thing in the matter but give or refuse notice. Nevertheless, the propositions of qualification and modification have been made in the other House, and in this House; and it seems to be insisted that we have a right to—perhaps are expected to—perhaps it is the sentiment—I believe it is of a large majority of the Senate—say that some qualification should accompany this notice. Still, I really think that, in this state of things, we have a right to know in what point of view the Executive government regards this notice; or rather what are the ends and consequences to which, in the judgment of the Executive, the giving of this notice will tend.

When I had the honor of addressing the Senate on this subject a month or six weeks ago, I said (what appears to me equally true now) that the Government of the United States—that the President of the United States—cannot expect war. He does not act like the Chief Magistrate of a great nation, expecting that the country may be soon invaded. He does not act like a man charged with the defence of the country at a moment when it is in danger of being assailed by the most formidable enemy on earth. There is nothing in his recommendations to the other House, nor to this, indicative of such an expectation. There is

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nothing of preparation for defence indicating that the President expects war. Well, then, he can expect nothing but a continuance of this dispute or its settlement by negotiation. I am bound to suppose that he expects its settlement by negotiation. What terms of negotiation? What basis of negotiation? What grounds of negotiation? Every thing that we hear from the Executive department is "the whole or none;" and yet negotiation! Sir, it is in vain to conceal from ourselves, from the country, or from the world, the gross inconsistency of this course of conduct. It is the spirit of that correspondence to which my honorable friend has already alluded, that the whole of Oregon is ours, and that nothing can be done which admits the existence of a doubt as to our rights to the whole, or the possibility of a right existing in another; and yet we are to negotiate! Pray what is negotiation? Does the Administration expect that by negotiation it can persuade the British Government to surrender the whole territory to us? Is that its expectation? It may do that. I cannot say it will not. If that is the expectation of our Government, why then, of course, it will try its hand at it. I wish it success! That is to say, I wish the country could be rid of the dispute. Take the whole of Oregon, if you can get it; but at all events settle the question between the two countries fairly and reasonably. But I say I do not understand the position in which the Executive Government has placed itself: in favor of negotiation all the time; but all the time refusing to take any thing less than the whole! What consideration—what compromise—what basis—what grounds, therefore, for negotiation? If the Government of the United States has made up its mind—I speak of the Executive Government—that, so far as it is concerned, it will not treat for any thing less than the whole of Oregon, then it should say so, and throw itself on the two Houses of Congress, and on the country. It should say so.

I am entitled to make these remarks, which I mean in no disrespectful spirit to anybody, because it cannot be denied that the effect of this notice is very differently viewed by intelligent gentlemen, all friends of the Administration, on the floor of this Senate. The gentleman from Georgia, whose proposition is now thus informally before us, regards the notice as leading to peace—expects peace from it—hopes peace from it—desires to express such opinions as shall enable the Administration, in the conduct of its negotiations, to arrive at peace. Still it is quite certain that other gentlemen, and amongst the rest my distinguished friend from Michigan, (Mr. Cass,) are much less ardent in their hopes of peace flowing from the notice. That gentleman's opinion seems to have been, that if we pass this notice, we shall be obliged to take possession, and that then war will follow. That is the declaration of the gentleman. His speeches generally end with

the expression of his fear that war is inevitable—war is inevitable.

Mr. Cass. No, Mr. President. But let me repeat my original proposition, from which I have never varied a hair's breadth. I repeat it, I hope, for the last time, in the hope that hereafter I will be neither misrepresented nor misunderstood—not that I say I have been misrepresented by the honorable Senator. I said that we were called on to give this notice; that if we did so, and went on complying with the other recommendations of the President, and in the mean time, if within the year the question were not settled by negotiation, then I thought war would come; that if we should adhere to our pretensions, and England to hers, insisting on her claim, war must come.

Mr. WEBSTER. The only contingency that seems likely, then, to interfere in that event which all deprecate, is that England will continue to assert her claim. Now, I have no right to ask the honorable gentleman—

Mr. Cass. Ask me any question you please, sir.

Mr. WEBSTER. Well, then, does he suppose that England ever will surrender the whole of Oregon in any form of circumstances?

Mr. Cass. I have my doubts whether she ever will. I asserted the same thing when I formerly addressed the Senate, and asked when was it ever known that England relinquished a territory or abandoned a principle? I vary not one hair's breadth from my former position.

Mr. WEBSTER. The gentleman is of the opinion that we will not recede, and that England will not give up the whole; and what, then, is more natural than—not to use the rejected term—that war is very likely to happen? I confess the argument of the honorable gentleman, more than his particular expression, led me to entertain the idea which I do entertain, that such was his opinion. To be sure, I do not mean to charge him with saying that "war is inevitable." But what he said rung in my ears ever since, and so I was constantly obliged to keep up a comparison with that memorable saying with which a Senator of old was accustomed to end his speeches—*Carthago est delenda*. But what I have to say is merely to repeat that I am desirous of expressing my judgment on this subject, whenever I can do so, without embarrassing the Administration. If negotiation be pending, I wish to hold my tongue. It shall be blistered before I would say any thing derogatory to the title of the United States whilst the Government of the United States was engaged in negotiating for that territory on the strength of our title. Gentlemen see the embarrassment in which we stand. I will aid the Administration in all honorable efforts to obtain all that belongs to us, and all that we can rightfully and honorably acquire with all my heart—with all my heart. But, then, I must know something.

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Certainly, inasmuch as I am a citizen of the country, I claim a right, and nothing more, to know something of the views, purposes, expectations, and objects of the Administration. I cannot reconcile myself to be much longer kept in a posture of things in which no preparations are made to defend the country—in which negotiation is held out every day as that course of proceeding which is expected to bring the question to a settlement, and to settle the question by England giving up the whole matter in dispute. Now my doubts whether we arrive at that conclusion are quite as deep and as strong as those of my friend from Michigan, (Mr. Cass.) I say for one, that in my opinion it is not the judgment of this country—it is not the judgment of the Senate, that the Government of the United States should run the hazard of a war for Oregon by renouncing, as no longer fit for consideration, the proposition of adjustment made by this Government thirty years ago and repeated in the face of the world. I do not say any specific proposition; but I say the general proposition, the general idea, the general plan of separating the interests of the people who live beyond the Rocky Mountains, in the appropriate language used the other day by the member from Missouri, (Mr. Benton.) In my opinion it is not the judgment of this country that, at the hazard of a war, we shall now reject as no longer proper for our consideration, propositions made and repeated thirty—twenty years ago. I do not believe that that is the judgment of the Senate. I have the fullest belief that the proposition of the honorable Senator from Georgia now on your table concurs with the sentiment of a large and decided majority of the Senate; that's my judgment. [A Senator: "Two-thirds."] A gentleman near me says two-thirds of the Senate. I cannot say how that may be; but I say my belief is that the unequivocal judgment of the Senate is as I have represented it; and I am willing to try it this day, this hour, this minute. That resolution expresses the general propriety of settling this question by adjustment and compromise. Compromise I can understand—arbitration I can comprehend; but negotiation, with a resolution to take and not to give—negotiation, with a resolution not to settle unless we obtain the whole, is what I do not comprehend in diplomacy or matters of government.

Mr. ALLEN misunderstood the Senator from Georgia, (Mr. Colquitt;) but he wished to know whether he did not offer the second section of his resolution for the purpose of testing the sense of the Senate upon the question of compromising the difficulty. If mistaken, the Senator could correct him.

Mr. COLQUITT. There was no material mistake in the version given by the Senator from Ohio (Mr. Allen) of his (Mr. C.'s) object. He had stated that remarks made, or construction put upon the language of the President's Message, was one inducement for him to offer the

resolution, and to test the feeling of the Senate on the subject of negotiation and compromise.

Mr. ALLEN said he was not, then, mistaken in any material point. He would not say that there was any impropriety in offering the proposition which the Senator had offered; for certainly, upon a great public question, it was competent for any member of the body to ascertain the sense of the Senate by submitting a proposition. When he did so, however, he should present his proposition in such a manner as to enable the Senate, whose opinions he wished to elicit, clearly and precisely to understand the meaning of the proposition. Fairness and candor required that when a question was asked of the Senate, which was to be answered by a solemnly recorded vote, that that question should be so definite in its meaning as to leave no room for hesitation in the mind of any Senator. There were two words in the resolution which admitted of a very extended, a very limited, or a very medium sense, as might suit the convenience of those by whom it was to be construed. They were required to say to the nation and to the world, by the adoption of that resolution, that they earnestly desired that this long-standing controversy respecting limits in the Oregon territory should be speedily settled by negotiation and compromise. Now, what was meant by the word compromise? The resolution contained the word limits. It contained that word as applicable to the Oregon territory, and that word is followed by the word compromise. What, then, was the meaning of that word? When the Senate was called upon to record a test vote of their sentiments upon the resolution, they had a right to know whether it was the meaning of the mover of the resolution that they were to compromise the difficulty by a surrender of a part of the territory to Great Britain. And if it meant that they were to surrender a part, what part? The resolution was presented with the avowed object of testing the sentiments of Senators—of requiring them to put upon paper the precise and exact view which they entertained with regard to the controversy. But, from the general phraseology of the resolution, and the vague generality of meaning which the word compromise seemed to carry with it, a man might well vote for the resolution, and afterwards say that he did not mean by compromise that they were to give away any part of the territory to Great Britain, but something else was meant by the word. He desired, if the Senate was to be measured, man by man, from head to foot, by the standard which the Senator applied to them, he desired that that standard should be marked in inches and feet, with precise and unequivocal accuracy. He desired that it should be known whether it was the purpose of the resolution under the disguised, or rather ambiguous, meaning of the word "compromise," to require the Senate to countenance, in advance, the surrender of a part of the Oregon territory to Great Britain? Whether it was to be required

of them that they should express their opinions upon this great question of dismembering the Union; because that which belonged to the Union was within the right and power of the Union, and to sacrifice it would be equivalent to the sacrifice of any portion of the Union. All that he desired to know was, What was the precise and accurate meaning of the word "compromise"? Whether, in the first place, it meant a division of the territory, and the surrender of a part of it to Great Britain? And, if so, what part? Where was the line to be run? And for what equivalent were they to make the surrender? Whether it was to be for some equivalent, or for none? Whether they were required to make the surrender for an equivalent, or from a dread of the consequences of not making the surrender? That was all. Therefore, if their sentiments were to be tested, it was necessary that the standard should assume a precise and definite length. It would be necessary to examine the question of weights and measures, and see if they had them well regulated by a fixed law, before they undertook to regulate the weight and the measurement of other things. He wanted the thing to be put in plain language, that its meaning might be clearly ascertained; that they might know whether it was meant that they were to surrender a part of their territory; and, if so, what part? He would not undertake to anticipate what the vote of the Senate would be. He had no right to do so: all he had a right to do was to ascertain what sort of meaning was to be attached to the resolution before being called upon to respond to it by yeas and nays.

Mr. A. said he had stated nothing but what the public documents informed him of. The arguments accompanying the withdrawal of the proposition expressly reasserted our claim up to the Russian boundary. That was what he had said; and he had said that the President now stood precisely where the correspondence which had been laid upon the table placed him.

Mr. CALHOUN rose and said: It is very obvious that the great question involved in this matter is this: Can the controversy between us and Great Britain be settled by negotiation and compromise? or is it to be settled by an assertion of our right to the entire territory, and an appeal to arms? Whatever doubts have heretofore existed upon this point, there can be none after the declaration of to-day, that this is the real question involved. A question of greater moment never has been presented in Congress from the days of the Revolution to the present. Sir, I hold it eminently desirable that the Senate should make an expression of their opinion upon this important matter. I cannot believe that there is a single Senator who has not made up his mind upon it, or who can hesitate to respond yeas or nays, when the question is put in the form of an amendment to the resolution. Sir, I hold it important that they should respond. It is necessary to know the sense of this body, in order to guide our future legisla-

tion. If we mean to maintain our title by force of arms, let us begin, let us lay aside all other things; and let me say, if gentlemen do not begin with the necessary measures before involving the country in a war, you are most likely to be discomfited; and foremost among those important measures are those relating to your finances. Sir, I hold it to be desirable to guide the business men of the country. They know not what to do, nor have they known for the last three months. The property of thousands has been perilled, and millions upon millions have been lost. Sir, there ought to be an end to this state of excitement. With due deference to the Executive, and without intending the slightest disrespect, I must say I greatly regret that it has been left in the state of uncertainty it has. Sir, I deem it to be important, and I speak without hesitation on this point, that it should be passed this very day; because, whatever our decision is, it is desirable, in my opinion, that it should reach the other side of the Atlantic as speedily as possible.

Sir, I believed from the beginning of the session that the great question of peace and war depended upon this body—upon your gravity, your wisdom, and your patriotism; and I trust that such a response will be given *this very day* as will quiet the fears of millions on both sides of the Atlantic. Sir, I entertain the most courteous feelings towards the Senator from Illinois, and I would indulge him with the time he requires, if I could consistently with my duty. And let me say to the Senator that a slight difference in mere phraseology can be of little consequence, so far as great questions are concerned, as it is not proposed, I presume, to go further than to try the sense of the Senate upon this amendment at this time, and hereafter he will have an opportunity to express his views to whatever extent he wishes.

Mr. ALLEN said he did not consider that he had ever been embarrassed in his life, and he never would be, under whatever circumstances he might be placed; because, having but one motive in view, and that the public good, he should always act with strict reference to that motive. The President of the United States had a constitutional mode of making his sentiments known to Congress, and that was by his official communications. He had resorted to that constitutional mode, and had laid upon their table in unequivocal language his views of the whole matter. Instead, therefore, of asking him what the President meant, the Senator from Maryland would do more wisely to consult the record on the table. What he did say, and what he was authorized to say, was, that from the position assumed by the President in his Message, as recorded in their Journal, he had not swerved in sentiment or opinion one single iota. The Senator would hardly believe, he was sure, that it was his duty if it were in his power, to answer the question as to what the President would in future do in regard to the negotiations. The Senator would hardly expect the

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President himself to answer the question. The Senate had always taken precautions against such questions by incorporating in resolutions of inquiry a saving clause, if, in his judgment, the correspondence could be laid before the public with a just reference to the public interests. He had said nothing more in regard to the views of the President than their records showed, where, in his opinions were amply expressed. He had said, and he repeated, that the proposition to run the line at  $49^{\circ}$  was offered in deference to what had been done by his predecessors, and that it was not a thing emanating from his own free will. He had said further, that, having withdrawn the proposition, he re-assumed the ground of his originally entertained opinion, by reasserting our claim and our title up to the Russian boundary.

Mr. PENNYBACKER rose and said: I approve of the amendment of the Senator from Georgia, and I do so because it exhibits justice and wisdom. I will vote for it; but before I came to that conclusion, I found it necessary to satisfy myself in some measure of the probability of the measure being brought about. I was not ignorant of the fact that the President of the United States had withdrawn the proposition of compromise, and had given his opinion that no compromise that we should accept could be agreed upon. Nevertheless, it never entered my head that anybody could rashly entertain a belief that all Oregon could be obtained by negotiation; and with all respect for the opinions of those who have placed their construction on the President's Message—that he will not be satisfied with less than the whole territory—I must differ from them. How can I entertain the opinion that the President would not be willing that this matter should be settled short of  $54^{\circ} 40'$ , when I remember that in the very despatch of Mr. Buchanan in which he demonstrates our title to  $54^{\circ} 40'$ , he makes the proposition, under instructions from the President of the United States, to have the matter settled on the basis of  $49^{\circ}$ . In the very letter, sir, which maintains the clear and unquestionable title of the United States to  $54^{\circ} 40'$ , is the proposition made that the matter shall be adjusted on the parallel of  $49^{\circ}$ ; and giving Great Britain Vancouver's Island. Well, the proposition was made, but not accepted; and then it was the President withdrew what seemed to be, from the generality of the language used, the proposition of compromise; although the language used, if particularly scrutinized, would mean no more than this: that he withdrew the specific offer of  $49^{\circ}$  with Vancouver's Island, leaving the general question of compromise still open. Well, what further do we find on this subject? I do not pretend to be in possession of any knowledge more than is possessed by members in general of this body, of the course the Executive will pursue in this matter; nor am I desirous of it, because I shall be meddling with a matter not belonging to me. But, sir, is it not folly to say, that when the offer of  $49^{\circ}$

was made, it was considered by the Secretary of State as the utmost limit to which the United States could go? or that when the boundary of the Columbia was proposed on the part of Great Britain it was regarded as the extreme point at which their proposals should stop, and that all negotiation must rest there? If that be the view we are to take, it was placing the question on much narrower ground than the President indicated in authorizing Mr. Buchanan to make the proposition. What was the consequence of withdrawing the proposition? It was to extend the basis of negotiation, and to give the opportunity to the United States of negotiating on other and proper grounds. Why, sir, in the very letter of Mr. Buchanan in which he withdraws the offer of compromise, and asserts the title to  $54^{\circ} 40'$ , he expresses the hope that the matter may be settled, and happily adjusted.

How adjusted, unless by negotiation and compromise? I have already said that the title was asserted to  $54^{\circ} 40'$  in Mr. Buchanan's letter; and I particularly wish gentlemen to refer to it as an irrefragable argument sustaining the title of the United States to  $54^{\circ} 40'$ . What else? In the letter of Mr. B., in which he rejects the offer of arbitration, he says, in still stronger and more decided language, that it is useless to resort to arbitration; that the interests of the two nations are so great, that they should be able to do each other justice. How can I understand that as precluding arbitration for less than  $54^{\circ} 40'$ ? I construe the Message in this way: that although the President uses strong language, the question is still open in his opinion to negotiation; and I have no doubt that if the British Minister would bring this up as his offer of negotiation, the President is still ready to compromise in an honorable way. In my opinion I can have no objection to the Senator from Georgia's amendment, because it does nothing more than justice to the President, and because it attaches the right meaning to his expressions. I shall vote for it. It corrects the construction put upon the President's Message here, and perhaps elsewhere, and gives what I consider to be its clear and evident meaning.

Mr. JOHNSON, of Maryland, said it was far from his purpose, in propounding the question which he had to the chairman of the Committee on Foreign Relations, to give him any embarrassment. His single purpose was to ascertain whether the Senate and the country were to understand that the Senator intended to announce that the President of the United States would adhere to the determination announced on the 2d December. He was of course not very well advised in matters of this description, but he had been taught to believe that a gentleman occupying his position was possessed of information more direct than any other Senator. He understood now that the Senator professed—and what he professed was of course the truth—to be in possession of no information other than that open to all the body; and he begged leave, therefore for the purpose of cor-

recting (so far as any remarks of his could correct) what came from so distinguished a source—he would beg leave to read that portion of the Message relating to this subject. [Here Mr. J. read from the Message] Now, he would put it to the Senator and to the country whether, if the President meant what he said, he would not now, as then, settle the question upon the forty-ninth parallel? Would he ever have done so, unless convinced that it would comport with the honor of the nation? And if he was convinced that honor and duty demanded that compromise, what has arisen to change his belief, and to lead him now to refuse to negotiate upon those terms?

Mr. CASS said he would not occupy the time of the Senate; he knew their impatience, but it was a very grave topic. Events were closing around us; difficulties which he had foreseen since the moment when he had read the President's Message were now making themselves felt. Every day our position was becoming more critical. The honorable Senator from South Carolina urged the adoption, the *immediate* adoption of the resolution, to the exclusion of all other business; and why? Was it to operate upon the President? It seemed to him not. The President had naturally the control of the action of the Government in this controversy. Congress was powerless as far as direct negotiation was concerned. The honorable Senator seemed anxious that the action of the Senate upon the question, should take place forthwith, in order that it might go to England; and why? We were moving in a charmed circle. Why should it go to England? Was it to invite England to make another proposition? The Senator knew that the Senate was utterly powerless; that a declaration from them would be nothing before the English Government. But the Senator denied that negotiation and compromise should be proceeded with. Why, if the British Government were disposed to make a proposition for compromise, they would do so without waiting for any proceeding on the part of Congress; and he must say that it seemed to him in exceedingly bad taste.

Mr. CALHOUN, interposing, said he hoped the honorable Senator would allow him to observe that he had narrowed down the proposition, and omitted the very point which he had made, viz., that the business of the country would be materially injured by the continuance of uncertainty in relation to this great question. He was not the negotiator, and what conditions might be proposed by England he was not prepared to say; but since he was upon his feet, he would make a single remark. From the beginning it had been his impression, whether that impression were right or wrong, that the Government of Great Britain would never take a definitive position until there had been action on the part of Congress; and he thought it was of the utmost importance that the question should be speedily settled.

Mr. CASS, resuming, said he had supposed that the honorable Senator's motive had been founded upon political grounds, and, in that view, he would remark that he would be actuated, as far as he was concerned, by no desire to draw from England an offer to negotiate by any action on the part of Congress. It could be of no practical benefit. And if you make a declaration, (continued Mr. C.) you are precisely where you were before. It does not at all settle the business; it does not disclose to your own citizens any certainty in relation to the final disposition of this question, because the whole matter still depends upon negotiations. So far as that effect is to be produced, it can only be by a termination of difficulties, or such a course as will lead to a termination. So I do not see how the conveying of such intelligence to Europe as the Senator proposes can affect the question, and I must repeat again that it seems to me in bad taste. What would we think of a resolution passing the House of Commons declaring that Great Britain was in favor of negotiations? I concur with the Senator from Kentucky that the President has constitutionally the direction of the affair; and I would not take from him one iota of his responsibility. Let him go on. His course is before him under the constitution; and let us act when it becomes necessary that we should act.

But now suppose that this resolution be adopted, and suppose it is forwarded to Europe. Four times already has this Government offered to Great Britain to compromise upon the 49th parallel, and four times has that offer been refused; the last time rather indignantly refused, and it was then withdrawn. And I must confess that, after reading the speech of Sir Robert Peel in the British Parliament, I am at a loss how to reconcile the professions of the British Government with the course pursued by their Minister here. I supposed that no Minister would take on himself to refuse a proposition, unless he had specific instructions so to do, without referring that proposition to his Government. Mr. Pakenham must have had general or specific instructions, or he thought he knew the determination of his Government as well that it was useless to consult them. I consider it, upon the whole, one of the most singular facts that has taken place in diplomacy; while, after all, the British Minister remains here, notwithstanding the disavowal of his proceeding, and, as far as we know, is likely to remain.

Now, then, Mr. President, what right have you to suppose that the British Government, under any circumstances, will be influenced in their conduct by your offer to compromise? I do not say they will not; but, without retracing their steps before the world, without gainsaying much they have said, without relinquishing much that they have claimed, without abandoning much that they have demanded, without retracing their steps before the world, and

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doing what a proud nation does with great reluctance, I cannot see how the difficulty is to be avoided. That is all.

[The discussion was further continued by Messrs. JOHNSON, of Maryland, PENNYBAKER, CASS, and others, when.]

Mr. BREKESE suggested the propriety of deferring the further discussion of the question; and thereupon,

On motion, it was ordered that when the Senate adjourn, it adjourn to meet on Monday next.

Mr. BREKESE moved that the Senate do now adjourn; on which motion the yeas and nays were demanded, when there appeared for the motion 28, against it 24.

TUESDAY, March 8.

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The Senate then proceeded, as in Committee of the Whole, to the consideration of the special order of the day—the joint resolution giving notice of the termination of the convention of 1827 with Great Britain for the joint occupancy of Oregon.

Mr. DAYTON addressed the Senate. He said: Involved in the general question before the Senate which gives notice to Great Britain of the termination of the convention for the joint occupancy of Oregon, there are sundry propositions. These propositions, however, in their general aspects, may be divided into two kinds: first, such as require a simple unqualified notice, or what is tantamount to it; secondly, such as are qualified in their character, indicating upon their face the peaceful spirit and intent with which the notice is to be given. There are other propositions of different shades, but varying so slightly in their general character and aspect as to present in my mind little ground of difference. I avail myself, Mr. President, of this condition of the question, with the view of making some general remarks. In doing so, I cannot but feel that there is no precise point before the Senate for discussion. I cannot but feel, too, that there does not seem to be any precise principle for debate. The debate in this chamber opened with generalities, and I fear it is to end very much in the same way. Were I as anxious for "all Oregon," as some of our friends on the other side of the chamber appear to be, I should certainly make some precise point for discussion. I would make the point whether there should be any "notice," at all. I would insist that things remain exactly as they are. I would meet Great Britain by a practical adoption of her doctrine; that title to this country can be acquired only by occupancy. That, sir, has been her position from the beginning. She has feared from the beginning that this country would complete its title in that way. When the convention of 1818 was about to be renewed in 1827, she objected to that renewal, and placed herself

upon the ground that it was dangerous for her to enter into it—we claiming an absolute right, she only the right of keeping the country open. She insisted on entering a protest against this country exercising any exclusive jurisdiction. She yielded, but yielded reluctantly. It has, as I before said, been her fear from the beginning that we would complete our title to that country in this mode, which she recognizes as available. Here is a wide entrenchment—extended works if you please. The enemy admits that we have a right to enter—admits that they are open—admits that if we occupy them, we have a right to hold them—our means of effecting an entrance are more than one hundred to one; and yet, with this manifest advantage in our favor, we waive our position, and, with a kind of reckless impetuous gallantry, endeavor to carry the works by assault.

What, in brief, is the history of this matter? I need not refer to Mr. Polk's often-repeated inaugural assertion—"title clear and unquestionable." Then comes his Message, offering to divide upon the parallel of 49°, in deference to the opinions of his predecessors. The British negotiator refuses that, because it does not include the navigation of the Columbia, which had been offered before. Then comes in our negotiator, and makes his argument for 54° 40', and in the same paper withdraws his previous offer of 49°—an offer, which, it ought not to be forgotten, has been repeated four times. It was offered first by Mr. Monroe in 1818 and 1824; next by Mr. Adams in 1826; then by Mr. Tyler in 1843; and, for the fourth time, by Mr. Polk, in 1845. This offer, four times repeated, is then withdrawn, and the President tells us that he now sustains our title, as he believes, "by irrefragable facts and arguments." These "irrefragable facts and arguments," Mr. President, are the same old facts and the same old arguments that had been adopted again and again by all the negotiators from the beginning. The argument of Mr. Buchanan—luculent, cogent, and therefore able—that argument contains scarcely an idea, or the fraction of an idea, which is not to be found in the previous negotiations and despatches of Mr. Clay. And so, too, with the arguments of the British negotiator. I say all this with great respect to both these gentlemen, because their arguments could not have been otherwise. But it is nothing more than a repetition, again and again, with a little fresh sprinkling of historical detail as to matters of fact, of what had been said by the negotiators who preceded them. These "irrefragable facts and arguments," therefore, are no new light thrown in upon this question. They are, let it be remembered, old, often-repeated, and often-controverted facts—stale, often-urged and often-disputed arguments—which have been from the very beginning wrapped around this matter of diplomacy. Let me do justice, however, to our negotiator. There is one fact, "irrefragable," I suppose, which he added to his collection—the clinching

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fact, indeed, of his whole argument—which does certainly possess the merit of novelty. It is a new one—it is an original one. It is this: that the British geographers had yielded to us the right of ownership to this territory; in proof of which he refers, and refers only, to a globe of British manufacture, to be found in the Department of State. The explanation of the matter, as recently given, shows upon what light and trivial circumstances diplomats can occasionally build an argument. These facts and arguments seem to have made no impression on the imperturbable mind of the British negotiator. He remained of the same opinion; but at this stage of the case comes in and offers to refer the equitable division of this country to any independent sovereign or State. "No," said Mr. Buchanan, "no! You only offer to refer the equitable division of the country. You do not offer to refer the title to the whole country itself." "Very well," says Mr. Pakenham, "will you refer title and all? And if you object to sovereigns and States, will you take jurists, civilians—anybody in fact? Are you willing to present the question for settlement by the most independent, impartial, and enlightened minds?" That is his proposition. Then our unfortunate negotiator is in a quandary. He refuses, on the ground that the territorial rights of the country are not a proper subject for arbitration, whether by sovereign, citizen, or subject, in his own language. Why did he not say that before? Why this paltry quibbling about terms, or the character of the arbitrators, if he had, at the back of all this, an objection that went to the very groundwork of the proposition? But is it true—is it true in principle, that our territorial rights are not the proper subject of arbitration?

Let me answer one objection of my friend from Illinois, (Mr. BREWER.) He read from a communication of Mr. Adams, in which he objects to reference to sovereigns, because they have not the means of observation; but the special objection was that no award could be carried out: that there was no power to carry it into effect. Now does not my friend see that that very argument would strike down all negotiation? Who is to carry the result of any negotiation into effect? Who is to enforce a treaty, or any contract with a foreign Government? Nobody—no tribunal—nothing but the plighted faith and honor of the respective countries. If the country plights its faith in a particular form to abide the award, it is bound as solemnly as though it were bound by treaty. But aside from this objection, was it true that territorial rights were not subject of arbitration? What is the question? In its broadest and most elevated sense this is a question of property merely. In its more accurate and confined sense, it is a question of boundary—of boundary. Great Britain admits that we are entitled to hold up to the Columbia. Need I open Vattel, or any other author on international law, for the purpose of showing that

questions of property and boundary are proper subjects of arbitration? But again: it is said you can negotiate about this matter, but you cannot arbitrate. Why not? What is that but negotiation in another form? By direct negotiation between the parties themselves you have been unable to reach a result. You then try what you can do by indirect negotiation. You employ new disinterested agents. You tell them to negotiate the matter, and that you will abide by their decision. In principle, the two forms are one and the same. Mr. Buchanan is now the appointee of this Government. He has failed, as others failed before him. Cannot the Government appoint another negotiator or negotiators—jurists, civilians, or whoever they may be—and allow him or them to negotiate with some person or persons similarly appointed by the opposite party? Nay, have we not in our treaty stipulations constantly, from the origin of our Government almost, been accustomed to settle matters in this very way—by a commission? No one can deny it. But then, some one has asked, "Where do you get the constitutional power to convey away our territory?" "Our territory!" ah! that's begging the question. That it is our territory is the very point to be decided. But if it be our territory, I take it that, incident to that right of sovereignty, we have the same power to convey territory that we have to obtain it. Of that we have examples enough. But again, others ask, "Will you transfer the allegiance of our citizens?" Certainly not. We will transfer the soil; and if our citizens think proper to remain, they subject themselves to a new jurisdiction. This is no novelty. Upon the settlement of the boundary between the United States and Spain, in 1785—the Florida boundary—stipulations were made that the settlements should be removed from either side of the line; but if they remained there, the settlers subjected themselves to the jurisdiction of the country within whose limits they chose to remain. But that country does not transfer their allegiance. It transfers the soil, to which it had exclusively the right of sovereignty. The settlers remain upon the soil, and choose their own allegiance. But all these evils are in this case imaginary. In the first place, there cannot be an American citizen owning a single foot of land in Oregon, because the Government cannot have granted it. In the second place, not an American citizen has settled within one hundred miles of 49°—the line that might, perhaps, be agreed upon.

But I am leaving the argument of our negotiator. He is not content with taking the position that territory is not the proper subject of arbitration; which, if so, would cover the whole question. But he goes on and objects to it still further, on the ground that he fears a compromising award. Mr. President, this objection, it appears to me—and I say it with all respect—was framed to meet the occasion. It is the same kind of objection that is raised by



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litigants who go to court about small matters of doubtful right, when they wish to avoid arbitration—cases in which, I grant you, the award is very likely to be that the parties divide two and sixpence between them, and each pay his own costs. But upon a great national question of this character, is it possible that, with the wide world from which to choose, three, five, seven men cannot be found possessed of such intelligence, purity, and independence, as would remove them altogether from the operation of all such paltry considerations as would interfere with the justness of their decision? I venture to say that the distinguished negotiator who raised that objection, should he ever be chosen on such a commission as that, would scorn such a motive as controlling his own feelings or judgment. But there was still another objection urged by our negotiator, and it does appear to me the most extraordinary of all. He says: "We think a great deal of this country—you cannot or ought not to think much of it; and that being our opinion, we do not choose to jeopardize our important rights, while you have no title to lose." That is to say, here are two men who have been in possession of a farm for the last twenty-seven years—disputing about the title. They finally resolve that the controversy shall be settled. The one says to the other: "Now I will divide with you; or if that does not suit you, I will refer the matter to the courts—to civilians—to any fair arbiter." The other says: "No, this farm is of very great importance to me; you are a rich man—you live far away—you ought not to think a great deal about it, and I will therefore leave the question to nobody—I will settle according to the best of my own judgment—I will be very happy to negotiate with you—but I mean to take the whole of this property." That's the amount of this argument, and the force of it I submit without comment to the American people. I have the highest respect for the character and ability of that distinguished negotiator; and permit me to say that if his argument in answer to the proposition for arbitration be no better, it is because the subject did not admit of a better one. The civilized world will regard that argument with distrust. I fear they will look upon it as a pretence and evasion, rather than as indicating our true principles of action. But that is not all. Our own people, I think, when their attention is distinctly drawn to this question—when they are brought to think calmly about it—will judge of it in the same way; and of this we have already some singular indications in the course adopted by some of the local party prints of the country. When referring to this question they very carefully keep out of view the offer to select as arbiters jurists and civilians, and talk about sovereigns, and crowned heads and princes, from whom we cannot expect fair play; and thus they appeal to the passions and prejudices of our countrymen, instead of to their judgments, upon the

true state of facts in this negotiation. What a spectacle have we thus presented! Not that dignified, calm reserve which indicates fixed purpose and conscious right; but from the very beginning of this Oregon negotiation, there has been a din and clamor, and vain-glorious boasting throughout the land. If my memory serves me right, when the English troops were upon the point of attacking the first Chinese town which they took, they were startled by a sudden and terrible noise produced by gongs, kettles, and wind instruments—all intended to deter the outside barbarians from the accomplishment of their purpose. It does seem to me that we have been diligently imitating the tactics of the Chinese.

If that has been the course of things at home, have we been more fortunate abroad? I may be mistaken on this subject. I have no knowledge of the rules of diplomacy. In locality, education, and social intercourse, I have unfortunately been aloof from all these matters. But I confess, in my simple comprehension, it did seem a little ridiculous that we should direct our Minister at London to interrogate the British Government as to the cause of their warlike preparations. Well might poor Mr. McLane say, in the innocence of his heart, that to such a question it was difficult to obtain a categorical answer. I should think so; and the mode in which Lord Aberdeen went through his political catechism—the lucid and exceedingly explicit and satisfactory answer which we received, point out, I think, in its true colors, the folly of this diplomatic movement. Mr. McLane must have felt a little silly in being made the vehicle of such a question. But the excuse is, that France asked the question. She had a right. She lay within cannon shot of England; but she still had a better cause of inquiry. She looked upon these preparations as a breach of that implied understanding—that balance of power of which we hear so much; a balance of power sustained not by extent of territory, but by the mutual consent of the parties, and to be shaken by a sudden increase of armed power in any of the nations of Europe. Their past history and experience had warned them that when one suddenly armed, the other must follow its example. That is the only safeguard for the peace of continental Europe. The question was, therefore, pertinent and well-timed from France; but it might have been impertinent and mis-timed from the United States. But, as I said before, I may be mistaken on this question. This movement may have been one of profound wisdom on the part of diplomats, although to me it seemed so foolish. It had one merit, at all events, although a common one, and that was, it did not do much harm. There is something, too, in the out-branches of this matter which needs to be understood. I would like to understand why it was that at one stage of this matter it was not referred for settlement to London. That it was so intended to be referred will, I

think, admit of little doubt. I have no personal knowledge—I do not vouch for the facts; but there are individuals disconnected with the Administration, who, from their business associations and obligations, were compelled to know the understanding of Mr. McLane when he left this country. Had it then been transferred, with the temper and tone manifested abroad, there is hardly a doubt that it would have been duly settled. If not settled now, it will involve somebody in a fearful responsibility. I hope that it may be. And here the question recurs, How?—how? I answer, by compromise.

I go, sir, for compromise as indicated in the resolution of the Senator from Georgia. At first it appeared to me that to give no notice at all would have been the true policy; but a majority of the Senate being in favor of a qualified form of notice, I would go for that, divested of all asperity of feeling, and indicating on its face that peaceful compromise was the true object of its being given. I would do that for the sake of unity and compromise, in any case involving difficulties in our foreign relations. But the gentleman says: "You offer to compromise; but will you abandon any portion of the territory which is our own? How will you carry out a compromise in all its details?" The very question to be settled is, "What is our own?" After twenty-seven years' debate, we are no nearer a conclusion than we were at first; and I say this question must be settled, (if at all,) as all questions of a like kind have been settled since the foundation of our Government; that is, with a regard for the mutual interests of both parties, and a just equivalent rendered. It is against all human experience to say it can be settled in any other way. Whoever saw a man who had spent a long time in argument with his neighbor about a farm, able to argue him out of that farm? But, in the case before us, although we have no clear rules of municipal law to guide us, we have, as it were, the compass and line to guide us; we have spent the whole of this time for the purpose of trying how we can talk a nation out of territory; with the clear facts of history—and I desire to call attention to that history—it shows the inutility of endeavoring to talk nations out of empire, especially when there are so many facts and principles, and parallels of latitude and longitude to differ upon. How was the question of the Russian boundary settled? On 54° 40'? By debate? Sir, we might have debated the matter till now, without coming to within ten degrees of latitude of that. We contended most strenuously then that we were entitled to hold, as against Russia, up to 61°; and Mr. Adams and Mr. Middleton sought to prove it by indisputable facts and arguments, expressing themselves in the strongest and most emphatic terms in favor of our claim up to 60° at least; and I must say, after an examination of those arguments, as against Russia, they were stronger in favor of

60°, than our arguments against Great Britain for 54° 40'. After this debate had lasted a long time, and covered a great quantity of paper, Count Nesselrode suggested that, as nothing could be accomplished in that way, they should lay aside the question of abstract right, and compromise the question on the principle of the mutual accommodation of the parties. On that proposition the boundary of 54° 40' was settled; and had it not been so, the negotiators might have been debating the question of title until the present day. While on this subject, I will offer one or two words, although it interferes with my course, in answer to a remark of the Senator from Illinois, (Mr. BRESEE.) He said it was strange indeed, that if Great Britain insisted she had claims there in 1824, she would have sat silently by and seen the question of title negotiated between third parties. The Senator is somewhat mistaken in these views. Instead of being silent or asleep, she was up and awake, with eyes intent on all her interests; and not only was she awake to this question, but we were awake too; and, unfortunately for my friend's argument, at the time we were negotiating with a third party, we admitted the rights of Great Britain on the north-west coast. Passing, however, Mr. President, from these matters, and returning to the subject-matter of our deliberations, I say this question ought to be settled by compromise. In support of this view, I referred to the settlement of the Russian boundary as an illustration of the truth of this, and also to our settlement with Spain, as another illustration.

After obtaining Louisiana from France, by diplomacy, Mr. Livingston and Mr. Monroe both said the cession of Louisiana conveyed to us West Florida, and they expressed themselves entirely satisfied that the cession included West Florida; so satisfied, that they advised the Government to take possession of it as American territory. Mr. Pinckney and Mr. Monroe afterwards took equally decided ground, and averred the subject was so satisfactory and clear that there was no room for a difference of opinion. But, unfortunately, Don Onís, the Spanish negotiator, was of a different opinion. The arguments on each side were long, and might have continued ever since; (and it seems to me they were much against the claims of the American Government;) nevertheless, our Government said they were still of the same opinion as to the effect of the treaty, but asked that an arrangement should be made on the principle of a due regard for mutual convenience. As soon as they viewed the matter in that light, the parties got together; and had they not, they would not have come together till now. Nor, in tracing our diplomatic history, need I refer to the fact that the north-eastern boundary was settled in the same way. After an expenditure of paper enough to cover the whole country in the discussion, and no advance being made, two men came together whose common sense told them of the inefficacy

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of long discussions in diplomatic affairs. They then sought to settle it by compromise, with regard to the interests of the parties; and had it not been for that, the north-eastern boundary would never have been settled. There is no example in the history of this or any other country in which one nation succeeded in debating another out of territory. This question, therefore, was settled; and I hope our present negotiator will understand it, and act on the same principle of mutual convenience to the parties, and equivalents rendered. But, sir, I shall be here met by some of our friends with 54° 40', and be told that they go for that. I shall be reminded of the Illinois resolutions, that tell us our title to 54° 40' is obscured by no doubt. Then come the resolutions of the Baltimore convention—a miscellaneous assembly which could know very little about it. I am sorry I have heard this so often referred to on this floor—it is one of the worst signs of the times. But gentlemen say nobody expresses a doubt on our title. I do not know what others have done; but if Senators would take the trouble to inquire, they would find that three years ago, when the subject came up, I said it could not be discussed, and I would not discuss it. The Senator from Delaware thought we should go into secret session, and the Senator from Massachusetts said he would suffer his tongue to blister in his mouth rather than speak so long as it was a subject of negotiation. I put it to the country—I put it to every gentleman on the other side of the house whether, if the intellect of this Senate be brought to bear on the question of title, you might not obscure it by doubts, these resolutions to the contrary notwithstanding? Did the Senators who instructed us in this matter trouble themselves to follow the lucid statement of the Senator from New York on this matter? Did they mark on what point the clearness of his argument lost itself? Did they see where he passed from logical deduction into loose generalities? It was at Nootka. I put it to the candor of Senators if the question of British title is discussed, whether it might not be made to appear that our title beyond the parallel of 49° was very far from “not being obscured by a single doubt,” the Illinois and Indiana resolutions, and all the gentleman’s arguments, to the contrary notwithstanding.

But the Senator from Illinois asks, did you not all say our title was clear, and will you retreat and back out after what you have said and done? Sir, our diplomatic agents, and the country generally, sustained our claims in the strongest terms to 61° as the Russian boundary; they contended for Florida, against Spain; and they asserted just as stoutly their right to fix the northern point of the highlands in the North-eastern boundary question. But is the question never to be settled, because it has happened that certain men have expressed *ex parte* opinions? But, again: it is said that “Great Britain may go to war, but if she does,

she cannot do us any material detriment. The controversy will never be prosecuted to war, I think; but having reflected upon it, I think if she should, she cannot do us much injury, except taking a few merchant ships, which could be easily supplied.” Ah, sir, I might answer the first argument used by the Senator from Illinois yesterday, but for the extravagance of his second argument. He takes no account of the oceans of blood to be spilled in case of a war in this controversy; he takes no account of the wretchedness in every form which is to tread in the track of this war; he makes no account of the taxes that will harass the people; he forgets the fact that war has retrograded the position of the world; that it would stop at one blow all our internal improvements; diminish the wealth, and cripple the resources of the country; he forgets that it is peace that makes our railroads, peoples our hill-sides, and ploughs our prairies. He takes no account of all this. The title he claims, if war should succeed; which, according to the statement of the Senator from Illinois, would entail the loss of a few merchant ships easily replaced.

But he gives us encouragement. He tells us to stand up. You have not many guns, he says—not many ships—but you have a wonderful power within. He thinks, upon a point like this, when all are united and so very desirous for 54° 40', if we only wake up we will astonish ourselves! Why, if such language as this were to come from some persons who stood backside of the Alleghany Mountains, I should think it was irony—the very bitterness of irony; but coming from my friend from Illinois, distinguished for his courtesy, I know that it is nothing but—54° 40'. But, then, my friend has gone into an examination of the British navy. He tells us that they have a good many ships, indeed, but then they are old hulks; and, besides, she has not men to man them? Does my friend forget that this very war of which he was talking, will give them men to man their ships? Does he forget that the moment the commerce of Great Britain is curbed on the ocean, her sailors seek the gun-deck? Does he forget the practical illustration of that which was afforded us in the last war? When our own sailors were driven from the fishing-banks and from distant seas, they voluntarily sought the gun-deck—a class of sailors, permit me to say, the like of whom the world has never seen. On board the Constitution, when she met the Guerriere, on the gun-deck, there were about three hundred sailors—Yankee freeholders. When the John Adams was destroyed in the Penobscot, and the crew were discharged, of about three or four hundred men, Captain Morris, now Commodore Morris, asked—“Will you meet me at Portsmouth?” nearly two hundred miles distant—that crew of three or four hundred men, straggled afoot across the country, and reported themselves there to a man! Sir, there is no country in the world that can show such men as sailors, and God forbid that I

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should depreciate them. But my friend was depreciating the effective force and power of Great Britain, and her want of men, forgetting the fact that war itself will supply her wants. The military marine of Great Britain amounts to 40,000 men; her citizens afloat in all departments number 700,000; and yet my friend thinks that Great Britain will want sailors in the event of a war. He says, that of all countries in the world, we are the very best prepared for war. We have not got the ships, it is true, but we have got any quantity of timber. I am afraid that my friend has not examined the case with sufficient care. He talks of converting our packet-ships into vessels of war. Even the steamboats of the Mississippi are to be pressed into the service. Why, the recoil of a single broadside would shake them to pieces. The gentleman says that a packet-ship can carry as many guns as a British frigate; but when, and how? In storm!—in battle? No man can seriously dream of that. In the late war we had an abundance of merchant vessels rotting in our harbors. We cut down trees, we sawed up green timber, we put every thing afloat that could float, but I believe we did not put merchant vessels there for the purpose of making them men-of-war. Idle, sir—all idle this. Something has been said in reference to heavy steamers. The British, it is said, have recently built some heavy steamers of a class unknown before, capable of carrying an armament. This, if so, is a new experiment, the result of which is to be tested. At all events, we have no vessels of that character. I say, therefore, in the language of the Senator from New York, (Mr. Dix,)—and let us bear it in mind—Great Britain never was in a better condition than she is now to strike a heavy blow upon an enemy. Let us not underrate her power.

All this, however, Mr. President, is matter aside from the question; and it does not, in my estimate, enter very much into the merits of the controversy. And I cannot but feel that all this argument in reference to the relative power of our adversary, rating or berating her, is in very questionable taste in existing circumstances. If we are forced to touch her shield with the point of the lance, let us do it with the chivalrous feeling and dignity of a high-toned nation. Then let each wheel into position, and God defend the right! I have done with this examination of my friend's argument, and resume my remarks where I left them. I was speaking of the mode in which this settlement might be effected—what were its terms—what the equivalent? It does not become me to express any definite opinion upon this question. I make one or two remarks, however, which seem to me applicable to both parties. The navigation of the Columbia has, I think, been claimed by one party and denied by the other, with a pertinacity wholly disproportionate to its value. Undoubtedly the mouth of that river is of some value as a har-

bor; but the long line of the Columbia, with its shallows, rapids, and canoe navigation, seems to me of little practical importance or value to anybody. If it be an object to Great Britain in time of peace to possess the navigation of it, in order that the Hudson Bay Company may float down their peltries, I, for my own part, cannot see any good reason why she should not have it. Still to that I do not commit myself. Why not yield to her down navigation of the Columbia, precisely as she has yielded to us the down navigation of the St. John's? But I merely throw out the suggestion, committing myself to nothing else. If the down navigation be not satisfactory, what objection can there be to granting the navigation for a limited time? But I do not express any opinion about that. One thing I feel is certain. If we get more than past offers, it will be for some equivalent rendered. This equivalent, I trust, may be connected with the subject-matter. In the present-state of things, Mr. President, I have sometimes been inclined to think that there might be some understanding between the two Governments in relation to this matter. And the fact that no legislative preparation on our side has been made, would seem to indicate, not that there has been any assurance—Sir Robert Peel denies that, and he is a man of honor, and must be believed—but a sort of implied understanding that if this question were only settled on some liberal compromising basis, ample remuneration could be made by the British Government in some other way; or, in other words, that to avoid the destruction of one class of our interests by war, we might consent to the destruction of another class of our interests to get clear of a war. But I express no opinion on this subject. I am anxious of all things that this question be settled; but if the settlement of it—if the equivalent rendered is the American tariff, whether by commercial treaty or legislation, we might, when the time comes, wish to have a word to say on that question. But we desire now that the question be settled in some way or other.

While upon the subject, permit me to express a little honest pride at our rising national character abroad. It was once asked, "Who reads an American book?" That sneering question is answered now. American books—American documents, sir, have become the pabulum of the British House of Lords! We are indoctrinating that body in the science of government. We are young, but young as we are, in the doctrine of free trade, we have gone ahead of Great Britain at a single jump. True, she has prospered under a system of protection to an extent hitherto altogether unknown in the annals of nations. True, that a system calculated to nurture, to strengthen, and to develop the resources of a young people may be wholly unfit for an old one. True, that the industrial pursuits of her people and those of ours differ as widely as the poles; and yet, by some fatality, it turns out that the political principles—

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the system of political economy calculated to develop and strengthen both countries are now identical. There is a mistake somewhere—somewhere. But this is again digressing. I desire that this matter may be settled. I desire it in no feeling of asperity. I do not wish, upon this question, to divide from my brethren on the other side of the Chamber. I wish that we could proceed harmoniously. Sometimes I have thought, from the frequent recurrence to the expression of political opinions on this floor and elsewhere in the discussion of this question, that a great political party in this country was disposed to push us to the wall on this question: that go where we might, they meant to go a point beyond us. If we went to 49°, granting the Columbia, they go to 49° without it; if we went to 48° granting it not, they would go to 54° 40'; and if we followed to 54° 40', the caldron—no, the crucible of public feeling—must be heated so hot, that unless we settled at that point, I do not know what was to become of us. The Senator from Ohio (Mr. ALLEN) was, indeed, if I recollect right, charitable enough to give us a hint of our destination. But whatever may have been the tone of observation here or elsewhere, I am satisfied that the sober second thought of our friends on this floor, and elsewhere, will prevent serious difficulties on this question. I am willing to go to the American people on principles of compromise. I am persuaded that the people will sustain the man and the Administration that settles this question on that basis. It is a common notion, that the war party of this country must be the popular party of the country. I do not believe it. It is an error; and it is an error which tends to produce the very mischief that would have no existence without it. There is always to be found a class of men who prefer arranging themselves with that party which is supposed to be a popular party in the country. Now it would be a great public benefit to explode the error that a war party would be popular in all circumstances. Heretofore our wars have been popular because they have been wars for great principles, and not wars for mere property. The revolutionary war, I need not say, was not a war about three cents on a pound of tea. It involved the rights of man—the great principles of free government. The late war was not a war about property; it was about principles all over—the freedom of the seas—the honor of our flag. Like causes will produce like effects; and in the same, or like circumstances, war would be popular again. But think you that a war about the pine logs of Maine would have been a popular war? Think you that a war about Oregon, or rather a part of Oregon above 49°, would be a popular war? It might be so at the beginning with certain classes; but the brunt of the war—the taxes to carry it on—would fall upon a different class of men altogether—on honorable, prudent, thinking men: on your merchants and mechanics. These are the men who would be neces-

sarily compelled to bear the brunt of the war. As long as your war is a war of principles, these men will stand by you; as soon as it becomes simply a war of property, they will count the cost. The intelligence, the prudence, the thought of this country, must govern the country at last. Unless it be so, your institutions, which place the power in the hands of the people, are an empty name. Public men are sometimes too apt to distrust the capacity of the people to govern themselves; they are too apt to draw back from the control of public opinion. But we need never despair of the people, when a man can stand on this floor and speak in a voice that shall reach every hamlet beyond the mountains—never, never. Let the public men of this country, of both sides of this Chamber, stand up to their responsibilities, and the people will stand by them. Popular sentiment is not always right. The needle itself is not forever constant to the pole. But the hidden influence is there. Remove extraneous and disturbing causes—give the public mind fair play; it may vibrate for a time, but at last it settles—tremulously perhaps, but faithfully—to the north. Let the public men of this country, who believe that a war for 54° 40' would be wrong, but do their duty, neither the present Administration nor any other Administration dare involve the country in such a war. If they do, whatever may be their purity, their patriotism, a political blunder of that magnitude would inevitably bring any Administration, and all its aiders and abettors, to the block. But I trust this matter may be settled, and settled speedily; and in behalf of the people, who have been tormented, afflicted, and agitated upon this question too long, I ask that it be done, and done quickly.

WEDNESDAY, March 4.

Oregon.

Mr. HAYWOOD rose, and addressed the Senate until half-past three o'clock, when, without closing his remarks, he gave way to a motion to adjourn.

Mr. H. took the ground that when the President transmitted the correspondence accompanying his Message—which might have been a wrong step—he, no doubt, acted from a sense of duty; but he could not have anticipated that Congress would, instead of giving an affirmative or negative response to his action, have taken the opportunity of endeavoring to snatch from his hands his constitutional power of regulating negotiations with foreign powers. Could he have anticipated such a course, would he not have been justified in altogether withholding the correspondence? Now there was presented to the world the singular spectacle of two branches of the Government acting distinctly and inconsistently—the Executive at one end of the avenue, engaged in carrying on negotiations; while Congress,

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at the other end, was engaged in a debate denunciatory of all the nations of the earth. He did not look on this phenomenon as chargeable against the Administration, but as the necessary result of the transmission of the diplomatic correspondence to Congress.

What was past, however, could not be recalled; and it was now the duty of statesmen to decide what was the next step, and how they could act so as to acquit themselves to their consciences and the country. In order to do this, he considered it essential that they should be informed of what was the true position of the Executive. As a friend of the President, he desired that a free communication should be made by the Executive of his position, before the Senate came to any decision as to the revocation of the convention of 1828, in order that it might be known to this body what are his own views, and what is the action he expects from the legislative branch.

Mr. H. then took a view of the course which had been pursued by the President, approving of the offer of the parallel of 49° to Great Britain, and maintaining that there was nothing in the language of the President to render it improper in him to negotiate hereafter on that basis, notwithstanding this objection. He regarded the negotiation as still open; and he would not do the President so much wrong as to suppose that, if we passed the notice, and thus put into his hand a great moral weapon, that he could be guilty of so miserable a trick as to use it to the dishonor of his country on the one hand, or to the reckless provocation of a war on the other. Believing that the Administration stood committed to accept an offer of a division of the territory on the parallel of 49°—or substantially that—he should sustain the Executive in that position. He expressed his conviction that, whatever might be his individual opinions, the President—as General Washington did in 1796—would fulfil his obligations to the country; that, whenever the interests of the country required it, he would sacrifice his own opinions to his sense of his official duty. He rebuked the cry which had been set up by some of the friends of the President, which placed him in the position of being the mere organ of the Baltimore convention, and declared that, if he could believe that the Executive would permit the resolution of that convention to overrule his duty to the country, he would turn his back upon him.

Mr. H. then proceeded to deduce, from the language and acts of the Executive, that he had not put himself in a position which imposed on him the necessity of refusing to negotiate on the parallel of 49°, should negotiation be resumed on that basis. In this respect, the President did not occupy that attitude in which some of his friends wished to place him. It ought to be borne in mind that Great Britain had held occupancy for above forty years; and it was absurd to suppose, that, if we turn suddenly upon her and tell her she must quit, that

she will not make resistance. And he asked what our Government would be likely to do if placed in a similar position and reduced to the same alternative. No one could contend for a moment that the rejection of the offer of 49° by Great Britain released the President from the obligation to accept that offer whenever it should again be made. The question was to be settled by compromise; and, on this principle, the negotiation was still pending. It was not to be expected that a negotiation of this kind could be carried through hastily. Time must be given, for communication with the British Government, for proper consideration and consultation; and true politeness requires that ample time should be given for this purpose. It is obvious that Great Britain does not consider the negotiation terminated, as she would have recalled her minister; and the President cannot deem it closed, or he would have made a communication to Congress to that effect. The acts of the President were not such as to justify any apprehensions of a rupture; and from that, he did not ask for the notice in order that he might draw the sword and throw away the scabbard. The falsehood of any such charge is proved by the fact that he has asked for no enlargement of the annual appropriations; on the other hand, his estimates are rather diminished. Knowing him to be honest, he (Mr. H.) would acquit him of any such imputation of moral treason, which would subject him to the reprobation of man, and the anger of his God.

Before Mr. H. had concluded, he yielded the floor; and

The Senate adjourned.

THURSDAY, March 5.

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Mr. HAYWOOD resumed his remarks. He referred to the course which he had taken yesterday, showing that the acts of commission and omission of the President, judged by every rule of equity and candor, required of us not to doubt that his purpose was pacific—that he had not placed himself in the perilous position of plunging his country into war for the meaning of a word.

He then proceeded to an examination of the Message of the President, in order to deduce from its language proof in favor of the position which he had taken, showing that the President, in making the offer of compromise on the parallel of 49°, had been actuated by a strong sense of public duty; and that there was nothing in the Message of the Executive—which was all in the form of a narrative—to countenance the idea that the negotiation had terminated. Yet this Message had been relied on as evidence that the door of reconciliation was shut. In the phraseology used by Mr. Pakenham in rejecting the offer of 49°, in which he expresses his hope that the Government of the

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United States would make some other proposition which Great Britain could with justice and honor accept, Mr. H. saw a significance from which he drew an additional inference in favor of his views, that every movement looked to a pacific result. He regarded the course of the President as saying to Congress, I have done my duty—it is now for you to say what you will do. If you are disposed to fight for 54° 40', say so, and I will close the door of negotiation; if you are not, say so, and we stand on the parallel of 49°. He did not believe that if we passed this notice, the President would use the great moral power thus confided to him to a traitorous purpose. The Senate and House would still retain in their hands the bill to extend our jurisdiction over the Oregon territory; and he, for one, would stand by the Senate, and agree not to adjourn until it was decided whether we should have peace or no peace. He considered it a greater test of true courage to do right, than to engage in a fight.

In reference to the language in which Mr. Pakenham rejected the proposition of a compromise on the parallel of 49°, Mr. H. denied that there was any thing in it to justify the construction which many had been eager to put upon it. The rejection was accompanied by the expression of a hope that some other proposition would be offered, which Mr. H. looked upon as implying that there was some other proposition in his view.

In the year 1795, there was a great clamor against Jay's treaty, which was carried on a pole through the streets of Philadelphia, and was burned before the house of the British Minister. Some persons in Boston took it also in hand; and General Washington felt himself compelled to come out in a letter, which Mr. H. read, for the purpose of holding up his sentiments to the admiration and imitation of others. He also read other extracts from General Washington's language, on the pernicious tendency of factions; and then went on to remark on the resolutions of the Baltimore convention, denying that, in the letter of nomination sent to Mr. Polk, there was a single word about Oregon or Texas, or that there was any allusion to these subjects in his reply. The amount of the first was, "Will you be our candidate?—we will elect you;" of the other, "I will, and I hope you can." There was no pledge to bind the President on the subject of Oregon.

Mr. H. then referred to the divisions which had sprung up in the Democratic party, the tendency of which is to destroy the party, by cutting off its heads. This question of Oregon had been turned into a party question, for the purpose of President-making. He repudiated any submission to the commands of factious meetings, got up by demagogues, for the purpose of dictating to the Senate how to make a treaty, and felt thankful that North Carolina had never taken this course. He did not re-

gard such proceedings as indicative of that true Democracy, which, like a potato, grew at the root, and did not, like the spurious Democracy, show itself from the blossom. The creed of the Baltimore convention directs the party to re-annex Texas and to re-occupy Oregon. Texas had been re-annexed, and now we are to go for the re-occupation of Oregon. Now, Old Oregon, embracing all the territory on which American foot ever trod, comprised merely the valley of Willamette, which did not extend above 49°; and consequently this portion was all which could be contemplated in the expression "re-occupation," as it would involve an absurdity to speak of re-occupying what we had never occupied. Referring to the history of the annexation of Texas, he cited the impossibility of getting Texas through, until the two questions had been made twin sisters by the Baltimore convention. Then Texas passed the House, and came into the Senate followed so closely by Oregon, that they seemed to be akin.

He was not for distrusting the President. He would give him the notice, and then if he deceived us, he would hold on to the law extending jurisdiction over Oregon. In reference to the form of the notice, he had no objection to that proposed by the Senator from Kentucky: he had no objection to that which came from the Committee on Foreign Relations. But he dreaded the effect of sending back the subject to the House, in a form which would revive the discussion in that body, and this dread led him rather to prefer taking the resolution in the form in which it came from the House. He could, under no circumstances, vote for the amendment of the Senator from Georgia, which he regarded as tantamount to giving no notice at all. He objected to the admission of the House of Representatives as a partner in the treaty-making power. He would do nothing which could, in the slightest degree, exhibit to Great Britain any thing like distrust in ourselves. If the Senate was afraid to do an act, it would be better not to do it, than to do it shrinkingly. The construction which he put upon the amendment was, that it authorized a compromise somewhere between 49° and the Columbia River. He could not do that. He could not vote for the notice with this amendment, because he believed it would embarrass the President in his course. The second section of the resolution from the House he regarded as properly introduced under the circumstances. Originally, the House adopted the naked form of giving the notice; but at the last moment, the correspondence was communicated, which showed that negotiations were still going on. It was then that the second section was adopted, to free the Executive from any embarrassment which the passage of the naked proposition might have caused. He concluded with expressing his fervent hope that God would deliver his country from the danger of converting into a dispute

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the correspondence which had been communicated by the President to the two Houses of Congress.

Mr. HANNEGAN rose and said: I must apologize to the Senate for obtruding myself upon your attention at this advanced period of the day, particularly as I have already occupied your attention on several occasions in the course of this debate. My remarks now, however, will be very brief. Before I proceed to make any reply to the speech of the Senator from North Carolina—the most extraordinary speech which I have ever listened to in the whole course of my life—I desire, through the Vice President, to put a question to him, which I have committed to writing. It is this: I ask him if he has the authority of the President, directly or indirectly, for saying to the Senate that it is his (the President's) wish to terminate the Oregon question by compromising with Great Britain on the 49th degree of north latitude?

Mr. HAYWOOD. Is the Vice President to be the catechist?

Mr. HANNEGAN. I put the question in the usual way, through the Chair.

Mr. HAYWOOD. I have already said what, for fear of mistake, I had previously written, and which I shall print. It would be unwise and impolitic for the President to authorize any Senator to make such a declaration as that implied in the question of the Senator from Indiana.

Mr. ALLEN. I desire to say that I construe the answer of the Senator from North Carolina into a negative.

Mr. HAYWOOD. Then I desire to say that my friend from Ohio only proves what I have shown on a former occasion, that he is a very bad hand at construction.

Mr. ALLEN. Well, then, I will adopt the other construction, and consider his answer as an affirmative; and I put the question, and demand an answer to it as a public right. The Senator here has assumed to speak for the President. His speech goes to the world; and I demand, as a public right, that he answer the question; and if he won't answer it, I stand ready to deny that he has expressed the views of the President.

Mr. HAYWOOD said that, had he occupied the station of chairman of a very important committee, placing him in confidential intercourse with the President, and had attributed opinions to the President which he could not establish, when interrogated, he would *quit*. But his constituents had not sent him here to answer questions which no one had a right to propound to him. What he had spoken, he had written—no—he had written them before he had spoken—and he should print it.

Mr. WESTCOTT. I call the Senator to order. Mr. HAYWOOD. You needn't be uneasy, sir. No Senator has a right to make demands upon me, on this floor, or anywhere else, unless I give him reason. I would do almost any thing in

a kind way, out of doors, which could be done in reason and honor; and I confess that I do a great many things that I look on as humiliating, after they are done, rather than have discord in the Democratic party. I do not recognize the right of any one to make demands of me, when I have submitted to the Senate what I had to say, what I wrote before I said it, and what I shall print afterwards.

Mr. ALLEN. I do not demand an answer as any personal right at all. I demand it as a public right. When a Senator assumes to speak for the President, every Senator possesses a public right to demand his authority for so doing. An avowal has been made that he is the exponent of the views of the President, upon a great national question. He has assumed to be that exponent. And I ask him whether he has the authority of the President for the assumption?

Mr. WESTCOTT. I call the honorable Senator from Ohio to order. I object to the President's personal opinions or purposes being made the subject of inquiry on this floor.

Mr. ALLEN and Mr. HANNEGAN rose simultaneously.

Mr. HANNEGAN yielded, observing that he was not so anxious to speak, but he could yield the floor to anybody.

Mr. ALLEN. I have not asked what the opinions of the President are.

Mr. HAYWOOD. Will the Senator allow me to interrupt him for one moment? I am not at all excited—not at all. I do not see any catechism in the rules of order. I deny the right of any Senator to put questions to me in this way. I have not assumed to speak by authority of the President.

Mr. ALLEN. Then the Senator takes back his speech.

Mr. HAYWOOD. Not at all; but I am glad to see that my speech *takes*.

Mr. ALLEN. With the British.

Mr. HANNEGAN. Well, the Senator from North Carolina has not suffered his speech to get into print this morning, so as to give a fair opportunity of replying. All sketches even of his speech have been, by his "special request," withheld in the papers.

Mr. HAYWOOD replied that, as he had taken a very important and responsible position, he wished to avoid the possibility of misconstruction, and therefore desired to report his speech himself. For fear of mistake he had taken that course; and he thought he was justified in it by the fact that one of the papers (the Times) had really been quite unable to make out the drift of his remarks yesterday, and had positively set him down as making a long speech in favor of settling the question by arbitration.

Mr. HANNEGAN. I do not deem it material whether the Senator from North Carolina gives a direct answer to my question or not. It is entirely immaterial. He assumes—no, he says there is no assumption about it—that there is no meaning in language, no truth in man, if the



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President anywhere commits himself to 54° 40', as his flattering friends assume for him. Now, sir, there is no truth in man, there is no meaning in language, if the President is not committed to 54° 40', in as strong language as that which makes up the Holy Book. From a period antecedent to that in which he became the nominee of the Baltimore convention, down to this moment, to all the world he stands committed for 54° 40'. I go back to his declaration made in 1844, to a committee of citizens of Cincinnati, who addressed him in relation to the annexation of Texas, and he there uses this language, being then before the country as the democratic candidate for the chair which he now fills.

Mr. CRITTENDEN. What is the date?

Mr. HANNEGAN. It is dated the 28d of April.

[Mr. H. here read an extract from Mr. Polk's letter to the committee of the citizens of Cincinnati.]

Here Mr. Polk expressed the opinion that the Union ought never to have been "dismembered" by the separation of Texas. Did the speech of the Senator from North Carolina sustain the principle of this declaration? Let the world judge.

[Mr. H. went on to read another extract, where it was declared we ought to assert and hold our right of dominion over the whole territory of the republic.]

Who, then, defines the limits of Oregon? Has not the President himself defined them in his Message?

Mr. H. then quoted from the President's Message the following paragraph:

"The extraordinary and wholly inadmissible demands of the British Government, and the rejection of the proposition made in deference alone to what had been done by my predecessors, and the implied obligation which their acts seemed to impose, afford satisfactory evidence that no compromise which the United States ought to accept can be effected. With this conviction, the proposition of compromise which had been made and rejected, was, by my direction, subsequently withdrawn, and our title to the whole Oregon territory asserted, and, as is believed, maintained by irrefragable facts and arguments."

What does the President here claim? Up to 54° 40'—every inch of it. He has asserted that claim, and is, as he says, sustained by "irrefragable facts and arguments." But this is not all: I hold that the language of the Secretary of State is the language of the President of the United States; and has not Mr. Buchanan, in his last communication to Mr. Pakenham, named 54° 40' in so many words? He has. The President adopts this language as his own. He plants himself on 54° 40'. I well remember that the President was the choice neither of myself nor—I beg his pardon, I should have named the Senator first—neither of the Senator from North Carolina nor of myself. Neither of us preferred him. Both of us had

another choice. And I must confess I am most happy to see that, since his election, he has grown so much in favor with my friend from North Carolina as to induce him to come here with a valorous defence against attacks never made—never made, sir. But this I will say—and make it attack, if you please—if the President has betrayed that standard which the Baltimore convention put into his hands, and whereby he committed himself to the country, into the hands of the enemy, I will not do, as the Senator from North Carolina threatens, turn my back upon him—I suppose he cares little whether both of us do that—but I shall hold him recreant to the principles which he professed, recreant to the trust which he accepted, recreant to the generous confidence which a majority of the people reposed in him. I shall not abandon the principles of the democratic party. I shall not abate one jot or tittle of the principles we gave to the country then; I shall sustain them; but I shall hold and exercise the privilege of speaking of him in the language of truth and fearlessness. The Senator from North Carolina attempted to speak of the resolution of the Baltimore convention. I ask him if he seriously meant his statement of it as a fair exhibition of its substance? If so, it was unworthy of the Senator to—

Mr. HAYWOOD. I took the resolution from Mr. BRESEE's speech—the only place I believe I ever saw it. Here it is:

"Resolved, That our title to the whole of the territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power; and that the re-occupation of Oregon, and the re-annexation of Texas at the earliest practicable period, are great American measures, which the convention recommends to the cordial support of the democracy of the Union."

Mr. HANNEGAN. There is a great deal of difference between that and the statement of it given by the Senator. The Democratic party is thus bound to the whole of Oregon—every foot of it; and let the Senator rise in his place who will tell me in what quarter of this Union—in what assembly of Democrats in this Union, pending the Presidential election, the names of Texas and Oregon did not fly together, side by side, on the Democratic banners. Everywhere they were twins—everywhere they were united. Does the Senator from North Carolina suppose that he, with his appeals to the Democracy, can blind our eyes, as he thinks he tickled our ears? He is mistaken. "Texas and Oregon" cannot be divided; they dwell together in the American heart. Even in Texas, I have been told the flag of the lone star had inscribed on it the name of Oregon. Then it was all Oregon. Now when you have got Texas, it means just so much of Oregon as you in your kindness and condescension think proper to give us. You little know us, if you think the mighty West will be trodden on in this way. Let gentlemen look at their own re-

coordinated votes in favor of taking up the Oregon bill at the close of the last session, and then let them look at the language of that bill, and see if it did not propose to take possession of Oregon up to 54° 40', after giving unqualified notice to Great Britain that the convention must cease. At that time we still held Texas in our hands; and this was a test question; and every man in the Senate voted for it save the Senator who sat there, (understood to refer to Mr. McDUFFIE,) and the peerless HUGER. And that most excellent Senator (HUGER) had afterwards told him that he had voted in the negative because it was suggested to him that unless he did so, the civil and diplomatic bill would fail, which was then pending; but on further conversation and consideration he wished to move a reconsideration of the vote, but his friends would not consent that it should be done. In the House of Representatives but four out of fifty Southern Democrats had voted against the bill. These were the reasons given to him why he should not distrust the South on the question of Oregon; the results were now manifesting themselves; and let the speech just concluded by the Senator from North Carolina show whether or not he was justified in his distrust.

The Senator, in his defence of the President, put language into his mouth which I undertake to say the President will repudiate, and I am not the President's champion. I wish not to be his champion. I would not be the champion of power. I defend the right, and the right only. But, for the President, I deny the intentions which the Senator from North Carolina attributes to him—intentions which, if really entertained by him, would make him an infamous man—ay, an infamous man. He (Mr. HAYWOOD) told the Senate yesterday—unless I grossly misunderstood him, along with several friends around me—"that the President had occasionally stickings-in, parenthetically, to gratify—what?—the ultraisms of the country and of party; whilst he reposed in the White House with no intentions of carrying out these parenthetical stickings-in." In plain words, he represents the President as parenthetically sticking in a few hollow and false words to cajole the "ultraisms of the country." What is this, need I ask, but charging upon the President conduct the most vile and infamous? If this allegation be true, these intentions of the President must sooner or later come to light, and when brought to light, what must follow but irretrievable disgrace? So long as one human eye remains, to linger on the page of history, the story of his abasement will be read, sending him and his name together to an infamy so profound, a damnation so deep, that the hand of resurrection will never be able to drag him forth. He who is the traitor to his country can never have forgiveness of God, and cannot ask mercy of man. I asked the Senator whether he came here charged with missives from the President, or whether he assumed the dogmatic style on his own responsibility, and—

Mr. MANGUM. I call the Senator to order. I protest against these remarks.

Mr. HAYWOOD. Let him proceed.

Mr. MANGUM. I withdraw my objection.

Mr. HANNEGAN. Let me say one thing to the Senator from North Carolina over the way, (Mr. MANGUM,) that if I have uttered one syllable disrespectful to the Senator, it has not been my intention. If he apprehended that I was in danger of saying anything disrespectful, I thank him for his kind hint. I shall not forget the place where I am, and the respect which I owe myself. I reply in the same spirit in which the Senator spoke. I have no personal motives; I am speaking to principles, and using, as he did, plain language. We were told that this question was agitated in the country for the purpose of putting small men into large offices. I have seen small men in large offices before to-day. "Small men in large offices!" "The country agitated to put small men in large offices!" Those who live in glass houses should not throw stones. The proverb is somewhat stale, but it is a salutary one; and even some great men may occasionally be reminded of it to their profit. Let me tell the Senator from North Carolina, that, for my own part, I would much sooner be found a small man seeking a high place, than the subservient, pliant, supple tool—the cringing flatterer, the fawning sycophant, who crouches before power, and hurries from its back stairs to bring before the Senate its becks, and nods, and wreathed smiles. The last steamer from Europe, it is said, puts this question in such a position, that for Oregon we can get free trade. Free trade I love dearly; but never will it be bought by me by the territory of my country. He who would entertain such an idea is a traitor to his country. I speak for myself, and my own section of the country. Free trade for a surrender of the ports and harbors on the Pacific? Never, sir; never. Whence this movement for free trade on the part of England? Does not every one know that she has been driven into this course by the outcries of starving millions? that she has been forced into this policy by the land-owners, to save their lives from the knife of the midnight assassin, and their palaces from the torch of the prowling incendiary? But the West is to be provided for; it is to have a new and most profitable market. Some of us know that from the Baltic England would get her wheat long before we could send a ton into her market. I advert to this simply because I do not know that I shall have another opportunity to do so. I have only to add, that so far as the whole tone, spirit, and meaning of the remarks of the Senator from North Carolina are concerned, if they speak the language of James K. Polk, James K. Polk has spoken words of falsehood, and with the tongue of a serpent.

Mr. ALLEN rose, but

Mr. EVANS obtaining the floor, moved that the Senate adjourn.

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The motion was carried, and the Senate accordingly adjourned.

MONDAY, March 9.

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The Senate proceeded to the consideration of the special order, being the Joint Resolution of the Committee on Foreign Relations, proposing to give notice to Great Britain of the intention of this Government to annul the treaty for the joint occupation of the Oregon Territory, and the resolutions of Messrs. HANDEAN, CALHOUN, CRITTENDEN, and COLQUITT, having relation to the same subject.

Mr. EVANS, who was entitled to the floor on this question, rose and said:

What is the controversy between us and Great Britain? What is the mighty matter in dispute between us? What is it, about which the whole country is to be thrown into a state of agitation, and for which we are to risk a war? What is it? What does it amount to? Why, the Senator from Michigan tells us that it is no less than 12 or 13 degrees of latitude on the north-west coast—a region large enough to form nine large States; and he asks, whether we are prepared to surrender all this to Great Britain? I answer, no; but that is not the matter between us. Great Britain has offered to accept the line of 49° north from the Rocky Mountains to the Columbia, and thence to follow that stream down to the ocean. She consents that we shall hold all south and east of that line. On the other hand we have repeatedly offered her, and have recently renewed the offer, to agree to the latitude of 49° extended due west to the ocean, and to give her two ports south of the line.

What, then, is the actual matter in dispute? It is only that strip of land lying between the Columbia River and the latitude of forty-nine, being a triangle extending along the Pacific two hundred miles, and from the river to the ocean three hundred and fifty, containing in all, according to my computation, about fifty-eight thousand square miles, of the very worst and most arid soil in the whole territory. This is the whole matter that separates us. And we come nearer even than that. If the negotiations had not been ended in August last—if one or two more efforts had been made, we should have come to a compromise on the parallel of forty-nine, with the navigation of the Columbia. If such a settlement was attainable, then we are separated only by the question of granting or refusing the navigation of the Columbia River. And are we to run the hazard of a national collision and all the consequences which must attend it—for what? For the right to navigate an unnavigable river, which none of us will want for half a century to come. We must fight for it rather than give it up; and that is called "*patriotic*." And gentlemen, who are ready to plunge their country

into a war with the greatest power upon earth for a thing like this, are represented as making very "*patriotic*" speeches!

The Senator from New York who addressed us last, (Mr. DICKINSON,) in the effervescence and overboiling of his patriotism, told us that he was ready to fight to-day to obtain a country which he did not want for our own citizens, but for the oppressed people of Europe, who, some half century hence, might want a refuge there. If the oppressed people of Europe want a refuge on our north-west coast, there it is open to them now, and so likely to be, plainly before them, with no obstacle in the world to hinder them. Let them go and occupy it to their hearts' content.

I have already said that I well know the condition in which we stand here; but that shall not deter me from the fullest declaration of my sentiments on the subject of our title. I know that we are charged with being regardless of our rights if we refuse to go to the extreme verge of all that has ever been claimed for us in debate. If we intimate the slightest doubt of the validity of any and every claim set up on our side of the question, we are British in heart; and we have just been admonished by denunciations coming in advance of what may be expected by Senators who dare to follow their own independent judgment. I do not know but such vituperation and calumny may, in some quarters, have its effect. There may be some base enough to fabricate such slanders, and others fools enough to believe them; but what of that? Are we to regard miserable contemptible consequences like these, or are we to go forward and do our duty, as in our best judgments we shall believe that sound patriotism calls us?

For one, I will not sit here and be told, over and over again, that our title to 54° 40' is so clear, so beyond all possibility of doubt or hesitation, that he who falters in maintaining it at once by the sword is recreant to the love of his country. I will not submit to this, though at the peril of all the obloquy which falsehood can cast upon me. It is because I do not agree with the Senator from New York and the other gentlemen on that side of the Chamber, that our right is so clear, so undoubted, so unquestionable as they think it is, that I am not willing to go to extremes in asserting and maintaining it. In examining the question I have not found any thing to warrant me in that conclusion.

And here I must say, that while I have listened to or read with the utmost attention and patience, the most, if not all of what had been said on the other side respecting our title to the whole of Oregon, I do not think the real difficulties on the question of title have yet been met or answered. I agree with the Senator from Georgia, that, before I can pronounce upon our title, however anxious I may be that we shall be found to be in the right, I must first see the objections to that title fairly met;

and this I have not yet seen. The argument, as presented to us hitherto, by our negotiators, rests on general principles only. They have contented themselves with going into them without fairly meeting the real difficulty in the case. There are great and grave questions of public law and grave and great questions of fact to be considered. And when I am called to examine questions of public law and questions of historical truth, gentlemen rise here and tell me of the Baltimore convention, three-fourths of whom consisted of persons who have neither the time nor means to investigate such questions; and that they have resolved, and therefore there is no longer any doubt or question about the matter. Standing here as I do under the most solemn responsibility, and called to act upon a question involving the dearest interests of my country, and its pacific relations to the rest of the world, I may not adopt such crude and hasty conclusions. There are grave difficulties in the way. I do not say they are such as cannot be overcome; I hope they may; I believe they may: but by shunning all mention or discussion of them, we only seem to admit our inability to overcome them.

We derive our title to the country on the north-west coast of North America (which gentlemen of late have chosen to call "Oregon") from three distinct sources. First, from discovery: and this has two branches—first, a discovery of the Columbia River, from the sea, by Captain Gray, in 1792; and, second, from its head-waters, by Lewis and Clark, in 1808. Secondly, by the cession of Louisiana by France in 1804. On the ground of discovery, we can claim no more than the river Columbia, and the country drained by it and its branches. This does not go up even to 49°, so that on that ground we can claim only as high as 46° on the coast, and perhaps up to 51° in the interior, if any branch reaches to that latitude. By the cession of Louisiana we get only up to 49°—not an inch beyond. The third source of our title, and that which covers all the others, (and which is said not to be inconsistent with them,) is a grant by Spain in the Florida treaty. This grant gives us all she claimed on the north-west coast, and excludes Great Britain at once.

There are grave questions, which affect each of these grounds of title, and questions which must be fully discussed before we are prepared to assert our title to be clear and unquestionable. There are very different degrees of validity in these claims—that derived from the Louisiana treaty is by far the strongest.

As to the discovery of the Columbia, those who plead on our side say that Captain Gray was the first American citizen who ever entered the river, and I believe that such is the fact; I have no doubt of it. And in connection with this fact, our advocates lay down the doctrine of public law to be, that the discoverer of a river in an unknown country is entitled to the river and all the valley drained by its waters.

That is the general principle; but then, under this general principle, there may be particular circumstances which draw the title under doubt. And first, this whole north-west coast was discovered before Captain Gray entered the river. The particular spot on the coast where it empties into the Pacific had been seen and visited and named on the maps before that. One of the capes of the little bay into which the river disembogues had been seen and named Cape Disappointment, and the bay itself called Deception Bay. The question, then, arises, when a whole coast has been discovered, and the discovering nation is consequently entitled to the country—when the mouth of a particular river on that coast has been seen—whether the citizen who shall first actually enter the river makes such a discovery as entitles his nation to the whole country drained by the river? This comes in conflict with the other principle, that the discoverer of a coast is entitled to the whole country. Now, the river Columbia itself was seen, though not entered, in 1755, by the Spanish navigator Hequeta, who was coasting in that quarter. He saw the river, he named the capes, and so confident was he of his discovery, that he laid down the river on the Spanish maps, and called it the River St. Roque. But the existence of the river was known even before that. There are maps in existence seventy-five years older than the voyage of Hequeta, where the river is laid down, and called the River of the West. Indeed, there seems to be an indication that the river had been entered at that time; for the geographer who constructed the map, marked on it how high the tide ran up the stream; and though it may be denied that the River of the West is the river Columbia, yet, both in length and position, the river as laid down on the Spanish maps corresponds with it very nearly. It is said to have been discovered in 1603 by Aguilla. Here, then, is not the general question, whether the discoverer of a river in an undiscovered country is entitled to its whole valley, but whether in a country actually discovered, a man who enters a river previously known, does thereby obtain for his country a title to its valley? That is a question which has not yet been discussed, and I should like to see the grounds that would be taken upon it.

It has been put forth to us by our British opponents that Gray was a private adventurer; that he communicated to his Government nothing of his discovery, nor claimed any thing for himself on account of it; in fact, it remained long unknown that he had ever been there. All he did was to solve the doubt whether the river could be entered, and put an end to the dispute whether there was a river there or not. But Gray having communicated nothing to the American Government, and the Government having set up no claim from his discovery, then came up the question how far we derived any title from the fact of his having entered the

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river? This is a question which stands in the way of our claim, as resting on general principles. The British say it constitutes an exception which takes this case out of the general principle.

But, then, it is said, that we have a right to the river on the ground of the discovery of Lewis and Clark. But here the question arises, Were Lewis and Clark sent into that country to make discoveries? Did they go there to take possession of the country? Did they, as has been alleged, go down the river in order to carry out the treaty of Louisiana, and take possession of the Columbia valley under the treaty? Now, it is a notorious fact that the expedition of Lewis and Clark had been planned before we had any knowledge of the existence of the Louisiana treaty, and therefore it cannot be said that they were sent to execute the Louisiana treaty, when the instructions under which they acted were given to them before that treaty was known.

There is another thing which throws doubt on this part of our claim, and which we should carefully and thoroughly examine, before we take steps that may plunge the nation into war. I have seen a fact stated in a book, written apparently with a view of maintaining the soundness of our title, by a Mr. Robertson, a gentleman whom I do not personally know, but who, as I understand, is connected with one of the departments of the Government, and written in a spirit which abundantly exempts him from all imputation of partiality to Great Britain. The writer does not give his authority, but he says, speaking of the exploration by Lewis and Clark, that the object of their expedition was not to make discoveries, but that it was purely commercial—for the purpose of opening a trade west of our possessions, and that they applied to Spain, England and Russia for passports, and actually obtained them. The passage does not profess, indeed, to be a literal quotation—that is, it had not the usual marks of quotation, but is introduced as a transcript from the instructions given, and that at a time before we got Louisiana. If this be so, it entirely repudiates so much of our ground of title as rests upon the exploration of the Columbia River by Lewis and Clark. I do not say that such is the fact: all I say is, that this is a grave subject for discussion. We may be able to answer the difficulty. We may say that, though these instructions were given before we had the knowledge of the Louisiana treaty, yet that the exploration is valid under that treaty. I hope it may turn out to be so; but without a fuller investigation I am not prepared to rush to arms, and defend our title as so clear and unquestionable as to set all doubt at defiance. I will not do any such thing. I choose that those who are intrusted with the duty of conducting our foreign relations shall first remove these difficulties out of our way, before they call on me to take a decided step which may lead to war.

Our next ground of claim rests on the pur-

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chase of Louisiana. This is the best of the whole, and it is possible that this ground of title may yet prevail, provided the negotiations are conducted as they should be. The bounds of Louisiana on the north and on the west have always been matters of doubt and uncertainty. If it be true that Louisiana extends to the ocean, then the country on the coast is clearly ours, and our title to it is good. These are strong arguments upon our side which have not been used by our diplomatists. It is said that by the treaty of 1763 Great Britain relinquished to France all her claims west of the Mississippi; but claims to what? Claims to the whole country as far as the Pacific; or only so far as the line of the French possessions? Here is another question which may give rise to discussion. Our claim, therefore, even under the Louisiana treaty, is not, in my view, so perfectly clear and unquestionable as to justify us in going to war for it, till all other possible expedients shall have failed—every one of them. We must try to obtain it peaceably, if that be possible; but if, after all our efforts, we cannot do this, then comes the question, What shall be our next step?

But now comes in the title most relied upon by those who go up to 54° 40'; and that is, the title under the Florida treaty, in which were ceded to us all the rights of Spain north of latitude 42°. This is held by some gentlemen to be a claim so obvious, so dear, so unquestionable, so far beyond every thing like honest doubt or hesitation, that we ought forthwith to fly to arms and enforce its acknowledgment. But let us look at it. What is this title? If it be so perfectly clear, so far beyond the reach of any thing that can possibly shake it, it seems to me that some of those eminent men to whom our negotiation has been intrusted, whose deeds adorn the pages of our history, and whose characters elevate the American name, must have been all utterly false to their trust; because, in view of a right clear as the noonday sun, they have been ready to compromise those rights, to yield up a portion of the territory, and, in the language of some very emphatic gentlemen, "to dismember the Union." Can this be possible? The very fact would seem, in my view, to be sufficient in itself to throw a strong doubt over our right to any thing beyond the latitude of 49°. By exhibiting such an extraordinary confidence in this ground of title, and by being ready to go to war in support of it, we do seem to cast an imputation on the intelligence or the integrity, not only of those negotiators, but all the Congresses since their time. I ask, then, what is this title of Spain north of the latitude of 49°? What is the language of the treaty? The treaty was entered into that we might get Florida; that only was the original object of it; for we had no disputes with Spain about the north-west coast. But we put into the treaty an article by which Spain relinquished to us all her "rights, claims, and pretensions" to the country on the coast

of the Pacific north of latitude 42°. Now, mark the difference in the language applied to Florida and the north-west coast. Spain cedes to us Florida out and out. She gives us a perfect title; she talks nothing about ceding rights and claims, but she makes to us a warranty deed; but when she comes to speak of her lands on the Pacific, then she cedes to us all her "rights, claims, and pretensions." If she had stopped at the word "rights," it would have meant something; but the word "claims" weakens the meaning. She calls her rights "claims" only; and then, just as if her claims were good for nothing, she speaks of them as mere "pretensions." If by the deed we get nothing better than mere claims and pretensions, we may well doubt whether we can say that our title is clear and unquestionable.

In our pleading with Great Britain, we take on ourselves to make out for Spain an undeniable title on the north-west coast up to 54° 40', and further north than that. Well, before we can make good her title, we must go back to the discussion of prior discoveries and all that. I grant Spain had the prior discovery. Great Britain herself does not deny this. She admits to Spain the general discovery, but denies to her the minute investigation of the particular features of the country. But we stand on the general principle of the law of nations, that a discoverer is under all circumstances entitled to all he discovers until he meets another who has a better title. Omitting settlement and possession, we go on mere discovery, and on that ground maintain our title against possession, settlement, occupancy, and every thing else. This is claiming a great deal, and, for one, I doubt whether we can maintain it. At all events, it is a question to be discussed. We plant ourselves on the naked general principle, and on that alone; Great Britain claims against it actual possession and occupancy.

But there remains a more serious difficulty still. Long before Gray entered the Columbia—long before the Louisiana treaty, or the Spanish cession in the Florida treaty—this matter of the right of nations to territory on the shores of the Pacific had been a matter of discussion and controversy, and had well-nigh led to war; and it was then settled in a manner which we cannot disturb. And we have avoided the question. We first impute to Great Britain the assertion of claims and rights which she does not assert, and, when we upset these, we think we have established our title. We speak of her as claiming exclusive title and jurisdiction on the north-west coast; we upset that claim, and then we suppose we have established our own claim beyond all question. Great Britain has never, to this hour, set up a claim to exclusive sovereignty, title, or jurisdiction on that coast; on the contrary, she disclaims and denies it. She says to Spain that Spain has no exclusive title or jurisdiction there; and she says just the same to us. Not that she has any herself, but that no power

whatever has it; but that the country is open to all the world. The Senator from New York (Mr. DICKINSON) did not make quite so great a discovery as he thought he did. He brought us a document to show that Great Britain disclaims the exclusive sovereignty of the country. It was very good proof of that; but if he had asked any British negotiator, he would at once have told him the same thing. She claims the use of the country for her subjects. She says to us, and to all other nations, "While I do not claim the exclusive possession of the country, neither shall you; I demand the free use of it for my subjects; you may have the same for your citizens; so may all others."

I was surprised that the Senator from New York, (Mr. DIX,) who discussed the question of title with so much accuracy and general fairness, denied that Great Britain had any rights in the country because Vancouver said that he was not making discoveries for the exclusive benefit of England, but for that of all the nations of the world, Spain included. He said this in 1798. Because of this, he denies that Britain has any rights there at all. That is not the way to argue. We are not to impute to her setting up what she disclaims and denies, because we can demolish it if she did. We must meet her claims as she presents them. What is her claim? When we claim exclusive jurisdiction and title she denies our right to do it; but she does not say that she has it more than we. But she says this: "I have rights there which your claim of exclusive sovereignty will destroy." It is a curious fact that none of all our negotiators have asked her, "What are your rights on that coast?" That is a question which never has been asked; but we went at once into our title to exclusive sovereignty, because that would cover the whole. The rights she claims there are the rights of trade and settlement for her subjects, without interfering with the settlements of others. Those are her rights; and we are to discuss them and dispose of them before we can say that our title is "clear and unquestionable." That is her claim. How did she get it? You know what we have claimed under Spain we have gone into her rights by discovery. But Great Britain says that she, too, made discoveries there. And thus she adds: "If this question of title was to be settled on grounds of mere discovery, then we should set up such and such facts." But she has never asserted that she acquired a title to the country by discovery. Never. She has adduced her discoveries only to refute our claims under Spain. She never has claimed exclusive rights in any part of the territory. She claims the rights of commerce and trade there in common with all the world, and of settlement where prior settlement has not been made.

But it is said that she claims this by virtue of the treaty of Nootka Sound, and that that convention was of a character that caused it to be terminated by the subsequent war of 1796.

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The Nootka Sound convention grew out of certain rights on the part of Great Britain, which existed long prior to the formation of that convention. Gentlemen had talked about certain concessions on the part of Spain, certain benefits which had been conceded to England in the Nootka Sound convention; but it would be remembered that that convention was ended by the war of 1796. The honorable Senator from Illinois (Mr. BREKESE) said, the other day, that there was no sort of difficulty in understanding the terms upon which that convention was formed; and how did he understand it? That there were privileges and rights conceded by Spain in that convention—a convention which was terminated by the breaking out of the war? According to his construction of that treaty, it went upon the principle that Spain did not possess sovereign rights within the country, although that was what Spain asserted; and that assertion was very nearly the occasion of producing a war.

Now, let us look (continued Mr. E.) at the history of events. Several English vessels were captured by Spanish authorities; and yet we find that Spain is the complaining party. She demanded satisfaction for the intrusion committed by British subjects upon what she claimed to be her soil. What said England? England was in a ferment. All parties were indignant at the loss of her vessels, and the capture of her crews. The Viceroy, who had jurisdiction of the case, gave up the vessels, and made reparation for their seizure. Why was not England satisfied? What further ground of complaint had she? England was not satisfied because Spain set up a claim to exclusive sovereignty over the territory. All parties in England were united in opposition to these claims on the part of Spain. They were unwilling to submit to them, and they were excessively indignant at the commission of what they considered a gross outrage upon the persons and property of British subjects. It is not enough, said they, that you release our men; you must make atonement for violated honor; you must make atonement for the insult which you have offered to the British flag.

But the gentleman says that England acknowledged the sovereignty of Spain in the convention of Nootka Sound. My own reading of the convention is, that concessions were mutual. The subjects of both powers were, under it, entitled to certain rights; no greater privileges were granted by England to Spain than were granted by Spain to England. So much for the stipulations of the convention. Now, looking at the preamble, what do we find to be the principle upon which that convention was founded? The preamble set forth:

“Their Britannic and Catholic Majesties, being desirous of terminating, by a speedy and solid agreement, the differences which have lately arisen between the two crowns, have adjudged that the best way of attaining this salutary object would be that of an amicable arrangement, which, setting

aside all retrospective discussion of the rights and pretensions of the two parties, should fix their respective situation for the future on a basis conformable to their true interests, as well as to the mutual desire with which their said Majesties are animated, of establishing with each other, in every thing and in all places, the most perfect friendship, harmony, and good correspondence.”

That is to say, Spain and Great Britain mutually agreed not to set up any claim derived from any prior right, but waiving all prior considerations, they provided merely for the guidance of the two parties for the future. What was the condition of the parties at that time? Spain asserting her sovereignty, yet entering into a treaty by which she repudiated her claim of sovereignty. Well might Vancouver say, in 1783, I make no discoveries exclusively for England, but for the common benefit of all the world—for Spain among the rest. That was the principle. Well, how was the convention of Nootka Sound treated in the British Parliament? The Opposition of the day complained of the British Minister because he had not got enough of concession. How did he defend himself? He said, What were we going to war about? Spain has set up a claim to exclusive sovereignty, and she now admits us to equal participation, repudiating and abandoning her claim to exclusive sovereignty, leaving the country open for the occupation of all nations. What more, then, do we require in the way of concession? We have established the great principle, that the north-west coast is open to all the world. Well, when we bring up the old Spanish title, Great Britain meets it by producing this convention, and the point to be examined is the principle upon which that convention was founded.

If Spain had exclusive rights, she abandoned them; and this she did before our title was made. Now, I want to know, if Spain, having struck her flag in 1795, having left the ground and never appeared there since, our title, derived from such a source, can be pronounced to be a perfect title, an indisputable title, a title that would justify us in going to war to establish it? This is the view of the question which I want gentlemen to take. England claimed long before the formation of the Nootka Sound convention, and her claim was recognized by that convention. She sent her first discoverer to the unoccupied shores of the Pacific for the purpose of taking possession; and she maintains, upon principles of international law, that such is the character of the claim which she asserts that it is not to be superseded by any other in existence. This is a matter which I commend to the attention of gentlemen who suppose that our title is perfectly clear. Let not gentlemen content themselves with imputing to Great Britain the desire of setting up a fictitious claim; let them not content themselves with assuming ours to be admitted, when, to say the least, it may very reasonably be impeached by the abandonment of the country by

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those from whom we claim to have derived our title.

It was asserted by our negotiators, at the time of the formation of the convention, that the country was open for settlement by all nations of the world. When Russia asserted her claim, we repelled that claim, and took the ground that the principle which the Nootka Sound convention established was, that there was no exclusive right on her part. And so, in regard to settlement, to which gentlemen attach great importance, a temporary and sparse settlement, what did we say to Russia? We assumed it as an incontrovertible fact, that no European nation had made any permanent settlement until after the last voyage of Captain Cook. We started with this idea, and maintained with it, our title against Russia. How did we treat the title of Spain? We treated it with entire disrespect. We were ready to agree, and did agree with Russia, that Spain had no exclusive right; that the north-west coast was open for the occupation of all the world, and, being open to all nations, we were ready to ratify certain rights between Russia and ourselves. We ceded nothing to Russia; she ceded nothing to us. But we agreed with her that we would not settle north of 54° 40', and she agreed that she would form no settlements south of that line, recognizing the principle that title was to be acquired by settlement.

Great Britain does not deny that we may acquire a good title by settlement; and after the abandonment by Spain of the country for a period of twenty-five years, we having in the mean time done no more towards perfecting a title to the portion of territory which is chiefly in question than has been done by others, gentlemen now say that our title derived from Spain is a good and valid title, and that we must go to war and fight all the world in support of that title. It is, it appears to me, to say the least, exceedingly rash. It is a hasty and unadvised conclusion. Our title beyond the latitude of forty-nine I will not say is absolutely a conclusive title; I think there are doubts, the more especially when we consider that when we acquired that title from Spain there were existing incumbrances. The question between Great Britain and Spain was not merely about the capture of a ship or two; it was the first practical assertion of a right on the part of Spain, and Great Britain was prompt to meet it, and that right was never re-asserted. Are we willing, then, to go forward and assert a right, which Spain herself relinquished? Are we prepared to fight for such a claim? But I have occupied more time than I intended upon this point, and I will proceed to other branches of the subject.

By the Nootka Sound convention itself, it is said Great Britain has no right to make settlements south of Nootka Sound, or rather, south of any existing settlement of Spain. My first answer to this is, suppose Great Britain had no

right to make settlements there, how does that carry us up to 54° 40', Nootka Sound being but little above 49°? I think that gentlemen will be a good deal troubled to demonstrate that our right is extended by the negation of the rights of Great Britain. Before we proceed to assert our exclusive title and to fight for it, I would desire to see this difficulty removed. The Senator from Illinois (Mr. BREKEEN) endeavored to demonstrate, that upon principles which Great Britain herself established, she has no right; that she is by those principles cut off from all right. The first of these principles is the grant made to Virginia. By this grant, the Senator maintains that she is now estopped from claiming any right. Why, Great Britain made this grant to her own subjects. She gave them territory extending to the Pacific Ocean; but instead of this being any waiver of her right, it is the very strongest evidence in her favor.

Does the Senator suppose that when she grants a title to her subjects she surrenders her jurisdiction? Does he suppose that she is thereby estopped from setting up any claim; that because she recognized the independence of a part of her colony she is estopped from asserting her claim to the remainder? If Spain had done on the Pacific coast what Great Britain did on the Atlantic—if she had founded colonies and perfected her title by complete occupation, the case would be very different. But this she never did. We had a difficulty with Spain, which was terminated by the treaty of 1795; that was a treaty establishing limits, but it was confined to this side of the Mississippi; and this being so, what becomes of our title derived from Spain to territory lying westward of that river? Is a grant applying to territory on this side of the Rocky Mountains to be conclusive of a right upon the other side?

Mr. E. here gave way to a motion for adjournment,

And the Senate then adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, March 9.

*The Madison Papers.*

Mr. DROMGOOLE, by leave, from the Select Committee appointed to inquire into the expediency of providing for the purchase and publication of the writings of James Madison, late President of the United States, presented the following report and bill:

The committee appointed to inquire into the expediency of providing by law for the purchase and publication of the writings of James Madison, late President of the United States, not heretofore published, beg leave to report, in part, that they have made inquiry respecting the manuscript papers referred to in the resolution of the House. They find that these papers are in possession of his venerable widow, to whom they were bequeathed, and who, thus possessing the property in them, has



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alone the right to dispose of them. It is her wish to dispose of them for a fair consideration, and she expresses the desire that the Congress of the United States should become the purchaser. The committee cannot forbear to say that, in their opinion, it is a natural and commendable desire, considering the agency which Mr. Madison had in the formation of the constitution which binds together these States into one great and powerful confederacy; and considering, also, the public relation which for so long a time he sustained to the Government of this Union. This bequest can alone become advantageous, and thereby fulfil the affectionate purpose of the testator, by a sale of these papers.

Looking at the spotless character and eminent abilities of the author—viewing his disinterested patriotism and constant devotion to the welfare of his country—regarding his useful public labors and the favorable opportunities enjoyed by him to acquire and impart information, by reason of the conspicuous and important stations which he occupied—it would seem unavoidable that the highest interest should be excited in reference to all his productions, and that there should be a strong desire on the part of the general community for their publication. Believing, therefore, that the people of the United States would be gratified, and that such publication would be extensively useful, your committee do not hesitate to recommend the purchase in the most decided terms, and for that purpose have herewith reported a bill.

It is deemed useless to raise and discuss the question of the power of Congress to make such purchase. Congress has established a library, and has procured on its account works both printed and in manuscript. The question is at rest.

Your committee append to this report a memorandum furnished them, exhibiting the character and arrangement of these writings, remarking that, should Congress make the purchase and direct the publication, the order of arrangement may be changed if deemed advisable, and such publication may embrace the whole or selections. The entire writings, however, will be included in the purchase delivered to Congress, or to such agent as may be directed to receive and preserve them until the further order of Congress, and an absolute and unconditional right thereto conveyed. Should the purchase be made, which the committee earnestly recommend, it is their intention hereafter to report on the subject of their publication.

Your committee will be pardoned for making, in this place, an allusion to a suggestion which has reached them, that the purchase of the "Madison Papers," so called, was intended to embrace *all* the unpublished writings of Mr. Madison. To show the utter fallacy of such a notion, to make manifest so entire a mistake, the committee respectfully refer the House to the correspondence and other matter prefixed to the "Madison Papers;" and they will be excused for inserting in this report an extract from a letter of Mrs. Madison herself to the President of the United States, dated November 15, 1836.

"However prevailing the restraint which veiled, during the life of Mr. Madison, this record of the creation of our constitution, the grave which has closed over all those who participated in its formation, has separated their acts from all that is personal to him or them. His anxiety for their early publicity after this was removed, may be inferred from his having them transcribed and revised by

himself; and, it may be added, the known wishes of his illustrious friend, Thomas Jefferson, and other distinguished patriots, the important light they would shed for present as well as future usefulness, besides my desire to fulfil the pecuniary obligations imposed by his will, urged their appearance without awaiting the preparation of his other writings."

Congress, by the purchase and publication, will secure for the public library, and thereby for the information and benefit of the whole Union, the valuable writings of one of its most useful, virtuous, and distinguished statesmen; and, in performing this act of acceptable service to the country, will have the consoling satisfaction of knowing that, consequent thereon, the legacy bequeathed to one of the most excellent, most esteemed, and most deserving of American ladies, has become available and profitable to her, and will be thus made to contribute greatly to the comfort of her declining years. Nor need any apprehension be entertained that, by the purchase and publication, there will be recorded a precedent for dangerous example. What other departed statesman ever vindicated principles with such signal ability—ever administered the Government with so much purity and success amidst the most trying scenes—conducting his country safely and gloriously through the perils of a war waged in defence of national rights and for the maintenance of national honor, and yet throughout manifesting an invincible firmness, blended with mildness of character, and a remarkable exemption from the bitter asperities of mere party feelings?

Mr. Madison was a member of the celebrated convention in the colony of Virginia which commenced its session in the city of Williamsburg on the 6th day of May, 1776. On the 15th of the same month he united in the adoption of that strong patriotic preamble and resolution which formed the basis for the motion in the Continental Congress for the general Declaration of Independence. On the same day he united in the resolution for the appointment of a committee to prepare a Declaration of Rights and a plan of Government for the colony. On the 12th June, 1776, he united in the adoption of the Declaration of Rights, which, in fact, was a Declaration of Independence by the colony of Virginia; and, on the 29th following of the same month, gave his support to the plan of Government, whereby the colony of Virginia became a free, separate, and independent State. So that Mr. Madison, at a very early age, participated in the formation of the first written systematic constitution, voluntarily adopted by a free people, ever exhibited to the world. He participated, also, and more largely, too, than any other member, in the formation of the constitution which created this Confederacy, which assembles together the Representatives of all the States and all the people of this vast Union, and confers on Congress all the powers and authority it possesses. He administered the Government, under the constitution, wisely, purely, and successfully. It was his happiness, during his Administration, to behold our victorious banners, and to contemplate the triumph of our arms. It was his satisfaction to know that our rights and our honor had become objects of respect, as before they had been of insult. It was his enviable lot to live to an old age, universally admired and respected by the wise, the good, and the patriotic. At the period of his decease he was the

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last of the framers of the Constitution of the United States. It is not the intention of the committee to recount the long and arduous public services of Mr. Madison; but it is deemed not inappropriate to allude to a few prominent incidents in his life. And when his countrymen may have the good fortune to "look upon his like again," then, indeed, the purchase by Congress of the works of Mr. Madison may not only be quoted as a precedent, but, as such, may be safely and profitably followed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be paid to D. P. Madison, widow of the late James Madison, former President of the United States, out of any money in the treasury not otherwise appropriated, the sum of twenty-five thousand dollars, for the purchase of all the unpublished manuscript papers of her husband in her possession, upon her delivering the same to the Secretary of State, and conveying title thereto to the United States, and describing the said papers in the conveyance made.

The bill having been read twice by its title, was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, was ordered to be printed.

## IN SENATE.

TUESDAY, March 10.

## Oregon.

Mr. EVANS resumed his remarks, and after briefly recapitulating the course of his argument yesterday, he proceeded as follows:

I think that these extreme claims which cannot be well maintained, or have not been clearly established, if insisted upon, will have a tendency to weaken the claim to that portion of the territory to which we have a good title. If we thus intermingle the good and the bad, claiming that the one is as strong as the other, the necessary effect must be to weaken, in the judgment of the world, our title to that portion of the territory to which we have a valid claim. I think the attention of the Government should have been most directed to the title obtained by the cession of Louisiana. If it had not been run or driven off into the assertion that we had as good a right to the extreme limits which we claim, it would have been much more politic. I think we have a title by the cession of Louisiana, connected with the other public transactions already adverted to, upon which we can stand fairly before the world in the assertion of our claim to forty-nine degrees. The honorable Senator from Michigan, (Mr. Cass,) a while ago, as I understood him in some of the incidental discussions which came up here, said he did not see why the parallel of 49° should be selected—that it was an arbitrary line, and we might as well agree upon any other—that it was connected with nothing, and had nothing to recommend its adoption. I do not so understand it at all. The parallel of 49° was an early established boundary between the British, French, and Spanish possessions on

this continent. It was no arbitrary line. By the treaty of Utrecht, negotiated, I think, in 1714, it was agreed that the commissaries—as they were then called; commissioners is the term now—should establish a boundary line between the French and English possessions, and the 49th parallel was the line chosen.

After we obtained Louisiana, we contended that this parallel of 49° was the northern boundary of Louisiana, and we claimed by it as such. Discussions arose between us and England on that point: and it so happened, that twelve days before the treaty for Louisiana was signed, when it was unknown to the American Minister at London that any such treaty had been made, we agreed on a convention with England fixing limits between us and her American possessions. By the treaty of peace in 1783, our northern boundary line was to run from the north-west corner of the Lake of the Woods (which was then supposed to be exactly under the parallel of 40°, but was subsequently found to be about 87' further north) westward to the Mississippi River. It was supposed by those who drew up the treaty, that such a line would strike the Mississippi; but on actual survey of the country, it was found that none of the head-waters of that great river extended so far north. What was the consequence? Great Britain said, as the treaty required the line to run "to the Mississippi," in order to fulfil its conditions, the line must start at the Lake of the Woods and run in the nearest practicable direction to the waters of that river furthest north. To this all agreed. Accordingly, the 5th article of our treaty stipulated for a line, not running on the latitude of 49°, but diverging to the south from it till it struck the northernmost branch of the Mississippi. This was twelve days before we got our title to Louisiana. The British treaty coming before the Senate, the question was, whether it should be ratified? It would cut us off from the latitude of 49°, and the Senate was in great doubt on the subject. Finally, the treaty was ratified with the exception of that article. The ratifications, however, were never exchanged. The year after, a negotiation was entered into by Mr. Monroe, who was then in England, in which he said to the British negotiator, "True, we agreed before to a line south of 49°, because none other would reach the Mississippi River; but since then we have got the title to Louisiana, which extends up to latitude 49° as its northern boundary, and now we cannot consent to a convention on the former basis; we claim the country up to latitude 49°." Adhering firmly to this ground, we finally obtained it, and drove Great Britain back to 49°, as provided by the treaty of Utrecht, it being recognized as the northern boundary of Louisiana.

Now comes the argument that Louisiana, while on the north is extended to 49°, on the west it went to the shores of the Pacific. The Senator from Illinois insists that it does, because Great Britain, by the treaty of 1783, re-

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inquished all her claims to the territory west of the Mississippi River. She claimed all the country north of 49°, and if she can claim nothing west of the Mississippi, so she can claim nothing south of 49°. We may put this to her under the treaty of 1763, we may hold her to her own agreement, and insist that she shall not go either west of the Mississippi, or south of latitude 49°. There lies the strength of our title. And so it should be argued; if it shall be, we shall see what she has to answer to our argument.

This is the reason why the line of 49° was adopted, and why we ask that that line, extended to the Pacific, shall be assumed as our boundary. After we obtained Louisiana, Mr. Jefferson made a convention with England, by which the latitude of 49° was agreed on as our northern boundary, from the Lake of the Woods to the Rocky Mountains. Why not extend the same line westward to the ocean? We desired this then; and Mr. Jefferson found much fault that it was not agreed to. The matter was finally adjusted by the Senate, and then fell through. In every negotiation of ours afterwards in 1818, in 1824, and in 1826, we always set up our claim under the Louisiana treaty to have this line of 49° extended to the coast, as our northern boundary; and I think we may maintain our right to it. It is certainly the strongest claim we have; and I think we may stand upon it before the world. If this shall be admitted to be good, we do not want any more. Why weaken our title by claiming more than we can fairly establish a title to?

But, to go to some other matters which have been drawn into this discussion. I say that those who are in favor of giving this notice—who are for taking this prompt and decided measure—should assign some satisfactory reasons for its adoption. Why should it be done? Various reasons have been assigned. The honorable Senator from Missouri, (Mr. BEN-ROX,) who certainly has investigated this whole subject more closely than any other member of this body, if not more than any other citizen of the country—who is intimate with its history, and the strength of our title to the territory—assigns as one reason for giving the notice, that what it seeks to terminate ought never to have been entered into; that it was decidedly wrong, and therefore should be put an end to as speedily as possible; that it has been the source of much evil and mischief, which he foresaw at the time, and predicted, as I believe he did—no doubt of that; and that subsequent events have fully verified his predictions. Now, whether the convention was originally right or wrong, I will not undertake to say. This much I may say, that it is not always wise to undo what it was not wise to do at the time. We are to see where we are to be left when the notice shall be given. When that measure is taken what is to be our condition? Is it to restore us to a better position than that which we now occupy? Or is it to plunge us into a

worse condition? Whether the convention has been the source of any particular difficulties and mischief, nobody, I think, can tell. Undoubtedly, difficulties did exist there afterwards, and those who were at the time opposed to the convention, attributed to it the origin and existence of these difficulties. But who can tell how much greater difficulties—how much more bloodshed—how much more mischief would have been produced, had no convention been entered into for the purpose of restraining and regulating the subjects of the two nations, who might meet there in the wilderness?

I cannot think that the evils have been so great as the Senator supposes, notwithstanding his great knowledge. He read a document communicated to Congress fifteen years ago, early in the Administration of General Jackson—communicated by the President—reciting the many evils which we had suffered, and complaining of, or, at all events, communicating to Congress, certain acts of violence which had been committed in that territory. Well, if these evils had necessarily resulted from the convention—if these had been acts for which Great Britain was responsible—if these had been violations of our rights—it does seem to me that the then President and Congress of the United States would have demanded redress and would have obtained redress. Would they have submitted then, and would submission have continued from that day till this? If so, why did not General Jackson give notice to terminate the convention at that moment, when all the facts were before him—when all these evils were within his knowledge? But not a word was said of that then to my knowledge. At all events, it was never made a question by the then President of the United States, and the existing Administration, to obtain redress by putting an end to the convention which it is now proposed to abrogate. I cannot be satisfied, therefore, that these evils which the Senator predicted, have flowed from the convention. I do not deny that acts of violence have been committed. I do not deny that certain evils have existed. But I deny that they have been the result of the convention. On the contrary, I am very much inclined to think, that if there had been no convention regulating the intercourse of the people of the two nations there, we would have heard of many more scenes of violence—heard of many more murders—and witnessed the existence of many more evils than those of which we have heard, and which have existed.

Another reason assigned for giving this notice is, that it would put us in a more advantageous position—that it will restore to us what we lost by the convention. The Senator from Illinois, (Mr. BREMEN,) I believe, dwelt most on this topic. He holds that the notice would give us the rightful possession of the whole country. That by that means we would be in undisputed possession of the whole country—every inch of it; that our laws would pre-

wall; that there would be no room for further controversy. [Mr. E. here read the extract from Mr. BREWER's speech on which he was commenting.] I believe that the Senator founds this opinion on the declaration attributed to Lord Castlereagh—and I believe correctly attributed to him. When in 1818 they agreed to surrender what they called Fort George, and we Astoria, Lord Castlereagh admitted our right to be the party in possession, whilst the title was under discussion, and hence the Senator infers that if we terminate this convention, we shall be remitted to the condition in which we were previous to the convention; and this condition he says was, by the acknowledgment of England herself, that of the party in possession; so that we shall have a right to fortify ourselves there, and to extend our laws up to 54° 40'. It seems to me that the Senator misunderstands the point here involved. What state of things existed in 1818, when, as he says, we were thus put in possession, by admission, of the whole of the territory? We had not got the Spanish title. We had not set up a claim beyond 49°—not a line is to be found—not a word, not a syllable was uttered of any claim beyond 49°. In that state of things England agreed to restore to us—what? The settlement—merely the settlement of Fort George, at the mouth of the Columbia River. Well, the Senator contends that that was not only an admission of our rights, but that it will restore us the undisputed possession not only of all that we claimed at that time, when the restoration of the settlement was made, but also of all that we have since got any title to, up as far as 54° 40'; and that there we shall be by giving this notice. Well, now, one of my objections to this notice is, that instead of restoring any thing, quieting any thing, adjusting any thing, its effect will be to open immediately a new series of questions dangerous to be touched, and tending only to render the subject still more complicated. First of these is the question which must immediately arise, granting we put an end to this convention. You have first an original position. What was that? Why, Great Britain says, We gave up to you the settlement of Astoria at the mouth of the Columbia River, and that is all. The gentleman says that she admitted to the fullest extent our right to be in possession of the whole of the country. Well, where is any thing of that sort said? Bear in mind, that the declaration of Lord Castlereagh was not made in any despatch—in any official communication—it was not even written in any form by him. No doubt the original communication was made to our Minister in London, who repeats it to his own Government, and may not, it is reasonable to suppose, report it with literal accuracy. Now the question is, What did the English Government restore? That which they had taken from us—a little settlement called Astoria, at the mouth of the Columbia River. Look at the terms of the trans-

action: "We acknowledge to have received the settlement of Fort George." Well, if upon that we are going to claim the whole country—that which we then claimed, and that which we now in addition claim—I am sure a very serious question will arise between us and England. They will say at once, We restored you that of which you were in possession. What was that? A trading establishment at the mouth of the Columbia. It was not a Government establishment at all. If it had been a military post, or a civil establishment where there were officers of the United States exercising authority, undoubtedly, the restoration of it would have restored all the country over which that jurisdiction had been claimed and exercised. But here was no Government establishment. It was the settlement of mere private traders. Then comes the question whether we are thus remitted to our possession, and can set up a claim to the whole country. That is a serious question. Great Britain will insist that all she gave up was the settlement of Fort George, which then was at the mouth of the river, and the controversy was rather about the mouth of the river. By that restoration they would be bound to admit that the mouth of the river was restored, and perhaps that portion of the territory—possibly the whole valley of the Columbia. But after all, there is a very grave question as to what they did in that official surrender, and what would be our rights if this notice were given, and the convention terminated. It is obvious that it is open to doubts and difficulties which will not by any means render the process of adjustment more facile.

Great stress has been laid upon the alleged fact that the settlement at Astoria was made by American citizens. What about all that? True, Mr. Astor fitted out a ship and sent it there, and this establishment was founded. But who did he send? Who were furnished with the money? Mr. Greenhow states it, and admits that there was a company formed, of which Mr. Astor was one of the partners, furnishing the money; the others being mostly, if not all, British subjects from Canada, who went with Astor's money and founded this settlement. They were the persons who surrendered. Now, why may it not with as much justice be argued that this was a British possession as that it was an American? It was founded by a company composed of subjects of both countries, taken during the war by British arms, and restored in 1818. I think we had better stand by the restoration to the extent that we can well maintain it, but not graft upon it other and greater rights which we cannot educe from it by any just process of reasoning. That is one of the difficulties in the way, and the ground of one of the objections which I have to the passage of this notice, if it is to be understood that we thereby immediately are to set up a claim to the possession of the whole of the country. And the Senator from Illinois

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supposes that if that is not yielded, and actual possession is not acknowledged, and our laws enforced there, there will be just cause for war. If all the premises he has assumed were true, it would only show still more clearly that there are serious difficulties in the way of a final adjustment of this matter. The Senator says that, in legal consideration, we would be in possession. What would be the actual state of things? Who would actually be in possession? Does he suppose that Great Britain would at once abandon the whole country, and admit our right to the possession of the whole of it? That she would admit our right to 54° 40', and at once yield all her claims? I imagine not.

Now these are some of the difficulties which, in my judgment, would attend the giving of this notice, and which appear to me quite insuperable. But it is said that it will facilitate the peaceful adjustment, hasten the amicable termination of all these difficulties. If I thought so, with all my heart I would go for it. I am ready to do any thing reasonable and proper to bring this matter to an amicable settlement. If this notice, given in any form, would do that—if it would lead to such a result—I would go for it. But how is it to do that?—how is it to operate?—how bring all parties to a better understanding? Will its adoption justify us in making more liberal offers to Great Britain than we have made, or can make, without it? Is the Administration expected, after the passage of the notice, to come forward with a more liberal proposition for the settlement of the pending difficulties than could be offered without the notice? I suppose that is hardly expected or intended. Well, then, if the notice is not intended to produce more liberal offers on our part, is it designed by that means to intimidate Great Britain? Do gentlemen expect that? Do they suppose that, after the notice, Great Britain will be forced into a position more available? If any think so, of course it will govern their conduct. But I have no such idea. Let England know that that is your opinion, and my life for it we will have no amicable adjustment. That is not the way to attain an amicable and honorable adjustment of national differences. How then is the notice to have any effect with either of the parties so as to lead to a peaceful arrangement? I am very much afraid that the effect of it will be to interpose new obstacles—certainly it will interpose new and most serious obstacles in the way of a peaceful adjustment, if it is to be given and executed in the manner indicated by the Senators from Ohio, Indiana, Illinois, and their friends. Certainly in that case the obstacles will be insurmountable. Ah! but they say there will be no war—if we do not settle it peaceably there will be no war about it, because—mark the sequence of their arguments!—Great Britain dare not go to war with this country single-handed, for Oregon. Of that the Senator from Ohio (Mr. ALLEN) gives us

most positive assurance. And the Senator from Illinois (Mr. BREMER) appears to have the same opinion. Great Britain dare not go to war with this country, single-handed, for Oregon. If the gentlemen have no other ground for their belief that the peace of the country will be kept unbroken than that, I will not debate the point with them any further. The Senator from Michigan, (Mr. CASS,) with his enlarged experience and observation, believes no such thing as that. Certainly Great Britain will resist our pretensions. Then how is war to be averted—peace secured—and an amicable arrangement of the matter effected by giving this notice? Why, the gentlemen all tell us, with the utmost gravity—really looking as if they were quite in earnest, and perfectly sober—that this is no cause of offence to England; that the notice is provided for in the treaty, and that England cannot declare war against us for doing what is provided for by the treaty. Well, I suppose nobody ever imagined that England would declare war against us for giving this notice, and I have no doubt she would not, if we would stop there. But do gentlemen propose to stop there? Do they intend to do nothing else? They tell us that this is but the first step in a series of measures which are to be adopted for the maintenance of our rights to the whole territory. Now what are these other measures? Are they provided for by the treaty? We know what they are to be. They are to be measures for taking actual possession—setting up our authority—maintaining it by fortifying the country—repelling intruders, and so on. It is said that Great Britain will not dare to declare war for that. Well, perhaps not; I don't think myself she will. I will tell you what I think she will do. Do you give this notice, without bringing affairs to an amicable termination; take measures to assert your jurisdiction there; incorporate this territory into the Union and extend your laws over it,—I am inclined to believe you will, when you come to that, find a force there ready to resist you, and a collision will be inevitable. If you should happen to be overpowered there, and Great Britain should take possession of the country, or of certain prominent points of it, you would then expel her by force, or permit her to remain. But who is to begin the war? Their soldiers, with force and arms enough, and at the point of the bayonet, will maintain possession; and then that would be war. I know the mere giving of the notice may be an inoffensive measure in itself, and really so trifling as to expose us to the charge of pusillanimity. Let us see the end of this thing; let us follow it up with other measures proposed, and the experienced Senator from Michigan says it will bring on war. There is the difficulty; and although this first step may not be a sufficient cause of war, yet every one must see that it will lead to such an end. That is the objection I have, sir, to the measure; that, although it may be passed and acted on, and be no cause

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of offence, yet it must be so connected with other measures which are to be adopted, that I agree with the Senator from Michigan that war is inevitable; or if he chooses so to express himself, that there is no way of avoiding it.

MONDAY, March 16.

*Special Order—Oregon Question.*

The Senate proceeded to the consideration of the special order, being the Joint Resolution of the Committee on Foreign Relations, proposing to give notice to Great Britain of the intention of this Government to annul the treaty for the joint occupation of the Oregon territory, and the Resolutions of Messrs. HANNAGAN, CALHOUN, CRITTENDEN, and COLQUITT, having relation to the same subject. The question being on the substitute submitted by Mr. CRITTENDEN,

Mr. CALHOUN, being entitled to the floor, rose and addressed the Senate very nearly as follows:

The question now under order for discussion is, whether notice shall be given to Great Britain that the convention of joint occupancy between us and her shall terminate at the end of the year. To that question I shall confine my remarks, limiting them to that and to the question immediately connected with it. I shall say nothing in regard to the title to Oregon. Having been personally connected with previous negotiations, in which that question was concerned, it will be seen by all, that I could not do so without impropriety; and, therefore, that it is proper that I should pass it by without notice. I shall abstain from every thing of a personal character, and from every thing calculated to wound the feelings of any gentleman; but, at the same time, I shall express myself freely, fully, and candidly on all the subjects on which I shall consider it my duty to touch. With these few prefatory remarks, I shall proceed at once to the question of notice.

There is one point on which we must all be agreed, and that is, that a great change has taken place since the commencement of the session in the importance of this question, and in its bearing upon peace and war. At that time, this measure of notice was of the greatest and most weighty importance, involving as it did the question whether peace with Great Britain should or should not continue. Now, it has become one of comparatively minor importance, and may be decided either way without exerting any decisive effect on those important interests. So great, indeed, is this change, that the very reasons which are urged in the Executive Message in support of the recommendation that notice shall be given, have no longer their application. The bearings both of the measure and of the several parties in the Senate which have grown out of it, are entirely al-

tered. That the Executive recommendation to terminate the notice is founded on the conviction that, pending such a notice, there can be no compromise of our difficulties on the Oregon question, must be, I think, admitted on all sides. Indeed, the language of the Message is explicit to that effect. It expresses the President's conviction that no compromise could be effected which we ought to accept. It announces to us that he made to the British commissioner an offer of the parallel of 49°, but that offer having been rejected, he ordered that it should be immediately withdrawn. And on that same conviction he recommends to Congress, the passage of this notice, with a view to the removal of all impediments to the assertion of our right to the whole of the Oregon territory. Assuming that there would be no compromise, the President tells us that, at the expiration of twelve months, a period will have arrived when our title to that country must either be abandoned or firmly maintained. Throughout the whole Message there is not the slightest intimation that any compromise is expected; but, on the contrary, the entire document assumes the opposite view.

Yet I admit that the grounds on which the President bases this, his conviction, are derived from the negotiation itself, and mainly from the fact that his offer of a compromise on 49° was rejected. I admit that, proceeding on that foundation, it is a fair inference that, if England shall renew on her part the proposition which, when made on ours, she rejected, there would be no impediment in the way to its acceptance; at the same time the President intimates not the slightest expectation that such an offer will be made on her part, or that any compromise will be effected.

Such is the view which I have been constrained to take, after the most careful examination which I have been able to give to the Message of the President; and if I may draw an inference from the opinions of those members of the Senate who believe in the soundness of our title to the whole territory, they concur in this view. Indeed, the grounds on which they place themselves will not admit of their supporting the notice under any other assumption. They go for the whole of Oregon, because they assert that our title to the whole territory, even up to 54° 40', is clear and unquestionable; and they think it better that we should assert that title by arms than abandon any part or portion of it. Hence it is most manifest that if they thought the notice could possibly result in a compromise, they would vote against it.

And this view which I take of the Message, and in which these gentlemen concur, is, as I believe, the view entertained by the country at large. Certainly it is, if we are to draw our conclusions from the general tone of the public press; or if we are to look at what is, perhaps, a still better index of public opinion—the course of our intelligent business men; for the

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reception of the Message had the most decided effect upon the public stocks. No sooner was its language heard than insurance immediately rose, and, as our vessels returned from their foreign voyages, instead of their being sent out again to sea, they were suffered to remain inactive at the wharves.

Such, too, was the view taken by another portion of the Senate—among which I consider myself as included—and who were opposed to the giving of this notice. They opposed it on grounds directly the reverse of those on which these gentlemen advocated it. Those who advocated the notice did so because they believed there would be no compromise, and could be none. We were opposed to the notice, because we did not agree with them in that opinion. We believed, on the contrary, that a compromise might be effected, and a common ground assumed to which both nations would agree. We did not think the American title to the whole of Oregon to be so perfectly clear as to be indisputable. We held that the title of neither nation to the whole country was perfect; and, therefore, we could not, and did not, believe that two powerful and enlightened nations, such as Great Britain and the United States, would go to war on such a question, so long as war could by possibility be honorably and properly avoided. This was the view of all who opposed the giving of notice at this time. We wished to give to both parties in this controversy a breathing time—a season for calm and mature reflection; under the influence of which they might come to some just, and honorable, yet pacific conclusion; and because we thought that the immediate giving of such a notice as was proposed would bring Great Britain to one or two alternatives—either to acquiesce in the state of things in which we had placed the question, so as to permit us to get possession of the territory by the gradual results of colonization, or to change the *onus*, and cast the blame of making the war from our shoulders upon hers, compelling her to take the attitude of the aggressor.

There were other gentlemen in this body who acted with different views. These were in favor of a compromise. They, too, thought that our title was not perfect, but yet were in favor of giving notice, because they believed, notwithstanding the tone and language of the Message, that the two measures were compatible—that we might give this notice to terminate the convention, and yet effect an amicable compromise of all our difficulties. The grounds on which they come to this conclusion seem to be three. In the first place they think that the language of the Executive shows that he still entertains the hope of compromise. They quote to us his express language, where he says that he hopes an amicable arrangement may be made of the question in dispute. I am fully aware that the President does use this language, and that the same thing was said twice by the Secretary of State, in the course of the corre-

spondence; but it seems impossible to me that, on the plainest and justest rules of construction the Message can be considered as expressing that meaning. It is a most solemn and weighty State paper, addressed by the Executive of the nation to a co-ordinate branch of the Government, and in which he is bound to hold the plainest and most explicit language—to state with the utmost frankness his real sentiments, and to give the reasons on which they are founded. This is his duty, and this he has performed. And he says, very clearly, that he recommends this notice in order that we may assert our title to the whole territory, and, if necessary, support that title by arms. I cannot look beyond the Message for the President's motives. It is impossible for me to overrule the plain and palpable construction which is on its face, by any other which I might feel disposed to place on it. To place any other upon it would, in my judgment, be to disparage the character of the President.

Another ground taken by these gentlemen is, that the President wants to employ this notice as a moral weapon, not a physical one. But no such idea is expressed in the Message. The language of the President is explicit to the contrary. It looks not to a moral, but a physical termination of the difficulty. But, admitting that he wants to use it as a moral weapon, what does that mean? It must mean that he wants to use it for the purpose of intimidation. Now, I submit to the common sense of every gentleman, whether, if this notice should be used in that light, with a great and powerful nation like Great Britain, its effect, instead of leading to a compromise, would not be precisely the reverse. It would be a direct appeal to her fears, to induce her to yield, under such a motive, what she would not yield otherwise.

The third reason is, that the convention of 1818, and renewed in 1827, was wrong from the beginning; that, as a measure of policy, it was a great mistake; that its effect was to fetter the assertion of our rights; and that it would have been better, so far as our rights in the territory were concerned, if there had been no such convention at all. In that opinion I cannot concur: I dissent from it wholly: I hold precisely the opposite opinion: I believe that, but for that convention, the preservation of our rights could have been effected only by an appeal to arms. We must either have gone to war in 1818 and 1827, or must have acquiesced in the hostile claims of Great Britain, (for in that case they would have been hostile.) If we could at that time have obtained the latitude of 49° as a compromise boundary, it would have been wise in us to have done so; but we attempted it in vain. That attempt failing, what other alternative was left us? Either this convention or war. The convention was a substitute for war; and, while it prevented war, it at the same time preserved our rights in Oregon inviolate as long as the convention should continue. I think that those who want

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into that treaty acted wisely. It has become but too common at this day for us to sit in judgment on the acts of our predecessors, and to pronounce them to have been unjust, unwise, or unpatriotic, while we pass over the circumstances of their day, and under which they acted. Look at the men concerned. Look at Monroe—at Rush—at Clay; it would be hard, indeed, to pronounce men like these to have been either unpatriotic or unwise. Or, if we look at the great names of those who have since acquiesced in the measure they adopted—at Jackson, and at others since—it would be hard to say that such men deliberately acquiesced in an arrangement hostile to the best interests of their country. I do not name the prominent individual concerned, because his course since that time has cancelled any previous credit to which he might have entitled himself.

Such was the state of things when this resolution of notice was first introduced into the Senate. Since then, as I have said, there has been a mighty change: public opinion has developed itself, not only on this, but on the other side of the Atlantic; and that voice of public opinion has uttered itself most audibly and clearly in favor of a compromise. Here, too, the same change has been manifested, inasmuch that I hazard nothing when I say that a large, a very large, majority of this body is at this moment in favor of a compromise—an honorable compromise. And does not all the language and conduct of the British Government itself clearly demonstrate that it is in favor of a compromise; and substantially on the basis which we have ourselves offered? Sure I am that no intelligent and reflecting man can read the language of Sir Robert Peel in reply to Lord John Russell, and not see that he is prepared to act on a proposition substantially the same with that which was rejected by Mr. Pakenham. This declaration of the Premier of Great Britain was made with very great effect; his object in making it was not to censure the able and very faithful representative of Great Britain in this country, but to give emphasis to the assurance that he was ready to make a just and fair compromise of the disputed question. I hope sincerely that our Government has not overlooked that declaration; it was a direct step towards compromise, and I trust it has been met in the same spirit. I trust that intelligence has, before this time, gone abroad to Great Britain to that effect, so as to remove the only difficulty which now lies in the way.

Under the views that I entertain, it is no longer a question whether our difficulties may be pacifically arranged or not; nor is it even a question as to the manner: it is simply a question of time. But there ought to be no delay, because the business of both nations and of the world requires that it should be settled. On great, and momentous, and delicate questions like these, there are the highest public reasons why there should be no delay. Once settle the question of Oregon, and we may then settle

the question of Mexico; but till then, Mexico will calculate the chances of a rupture between us and Great Britain, and if she sees any chance of a war against us, she will go over to the power which makes war upon us. Remove these chances, put an end to such a hope, and Mexico will speedily settle every pending question between her and the United States; and then, I trust, we shall deal generously with her. She is weak—feeble in the extreme—and I trust that we shall adopt no harsh measures with her.

I have now explained the change which has taken place in the bearing of this measure of notice on the questions of peace and war. The change consists in this: that when the notice was recommended, there existed no hope of a compromise; but now the highest and most confident hope is felt by almost all. Now, therefore, there is no great interest connected with our deciding this question of notice, one way or another. Just in proportion as the prospect of compromise was small, the importance of the notice was great; but as the prospect of compromise increases, the measure of notice becomes of less and less importance. We have now reached a point when we can decide the question without much feeling on either side.

I now proceed to another point in my remarks, and to inquire what is the bearing of this measure on the position of the Executive, and what on the position of the parties in this body.

The conduct of the Executive must now be greatly changed. He must act very differently now from what he would have done when he recommended the notice under the persuasion that there could be no compromise, but that we must assert our rights by arms. That he can advise the same thing now which he advised then, is impossible. Then he had not the remotest expectation of a compromise. If now he has a different view, and thinks that Great Britain is ready to meet us with an offer such as we made, I here say that, if he shall now decline that offer, I do not envy him the consequences that shall follow. The change which has taken place is not a change in the President; it is a change in the state of things. So far from its being any inconsistency, it is, on the contrary, the highest consistency to agree to a compromise when matters have reached a point which was not contemplated when he sent us his Message. There is prevalent among us a great error in regard to this matter of consistency. Some persons think that consistency consists in a uniform adherence to one policy, let the circumstances of the country change or not. Others think that consistency lies in always thinking the same way, after the man has seen the most cogent reasons for changing his opinion. The consistency of these persons is much like the course of a physician who, in the treatment of a malignant fever, should give emetics and calomel at the beginning, and then



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hold himself bound to continue to give emetics and calomel through every subsequent stage of the disease. Consistency like this would kill the patient; and there is no statesman worthy of the name who would be guilty of the political quackery of advocating always the same course of policy though the circumstances of his country had completely altered.

But not only has the Executive position changed, but the position of the parties in the Senate has changed in no less degree; and my friends here who go for all of Oregon, (friends I will call them, for I have no other than the most friendly feelings towards them,) must and do feel that there has been a change. So long as they thought that notice was wholly inconsistent with any compromise, they were its warm and enthusiastic advocates; but now, when they begin to discover that, notwithstanding the giving of the notice, a compromise may still be effected, they find themselves without the same reason for their former zeal; and I shall not be at all surprised if, before this question is finally put, these very gentlemen shall vote against the notice altogether.

But I trust the friends to whom I allude have undergone a still further change besides that of their position. I trust they now begin to see that there are some doubts in regard to our title to the whole of Oregon. That it is unquestionable they cannot now say; for it has been questioned with great ability in their presence on this floor. I know, indeed, that their convictions have been as honest as they have been strong. But, admitting that our title seemed to them ever so clear, is not something due to the changes which have since taken place? Is nothing due to the fact that a majority even of their own political friends think that our title is not so clear, but that a compromise may be honorably effected? Is nothing due to their opinion? And does not the mere fact of such a division of opinion among men perfectly honest on both sides, present the strongest reason why the dispute need not and ought not to be decided by force? I appeal to these Senators as patriots, as wise and prudent men, to say when our contest is with so great a power, whether they are willing to hazard all for a question on which the opinions of good and honest men all over the country are undeniably divided. I appeal to them even as party men to say whether they will insist on pushing this question to such an extreme as to divide their party.

As to the other portion of the Senate, (in which I consider myself as included,) it is undeniable that a great change has taken place. I feel it myself. Nothing could once have induced me to consent to the notice recommended by the President; but now it is very possible I may give my vote for a modified notice in some form.

And this brings me now at length to the direct question to which all I have yet said is

preliminary. Shall we give to Great Britain the notice proposed or shall we not? The question is not free from doubt. But there are two reasons in favor of it.

One reason in its favor is, that it will prevent the continued agitation of this Oregon question being kept up in the country, and carried into the next Presidential election. The measure of notice, if properly qualified, will, I trust, keep all quiet until the year has expired, and then there will be no room for any further difficulty.

Another reason in its favor is, that in all probability Great Britain will not make a final move until Congress shall have acted on the subject; so that we should, as soon as possible, do something in the matter. If it were not for the force of this consideration, I should be for postponing the notice for the present.

And now to the question, in what form the notice shall be given? I will vote, under no circumstances, for a naked, absolute notice; because that would be to leave some doubt in the country, and on the public mind generally, whether we preferred to adhere to the state of things which existed when the Message was penned, or not. The circumstances of the case have greatly changed. We are not in the same state of things which existed when the Executive Message first came in; and I cannot vote under the remotest impression that there will be no compromise. If any gentleman once hoped so, and would have gone for the notice under that hope, that motive has now passed away.

Nor can I vote for the resolution which has been sent us from the House of Representatives. I have two objections to it. It is equivocal in its meaning. If it means to declare that the President may settle this difficulty by compromise, it means nothing, for the President has that right; but if it is meant as a hint to him to negotiate for a compromise, then I am for speaking more plainly. I am most decidedly against all equivocation in matters of State policy. Let us say plainly what we mean to say. If we mean compromise, let us say compromise; and not send the President a resolution on which he may put just any interpretation that suits him.

If we give this notice at all, I think it should be given substantially, as has been proposed by the gentleman from Georgia. If I consent to the notice, it will be, as I have said, to keep this agitation from running into the next Presidential election, and finally to terminate the question; and if we give it at all, let us give it precisely as we intend, expressing the opinion that the difficulty should be settled by compromise. So much I feel inclined to vote for. I say inclined, for I hold this whole question of the notice subordinate to the greater question, viz., the preservation of peace and the settlement of our difficulties without a resort to arms. My vote in regard to notice will rest on the

question whether the notice will advance that end or not. And I shall therefore reserve myself until I shall be satisfied on that point.

I have thus stated why I am for a compromise, and how far I am in favor of giving notice. I vote on both subjects under circumstances in which I find myself placed, and for which I am not in the least responsible. I am doing the best I can where I find myself, and not what I might have done under different circumstances. I repeat, that for these circumstances I am not responsible. I early resisted that state of things which has now come to pass. In 1843 this question for the first time assumed a dangerous aspect. I then saw, or thought I saw, what was coming, and I examined the question under all its aspects. After the maturest reflection I came to the conclusion which I then stated. I saw that there were two routes before us: one of them was to adhere to the convention of 1827, to do nothing to terminate it, and to adhere strictly and rigidly to its provisions. I saw that although for a time that convention operated beneficially for Great Britain, yet the period was at hand when our turn would come to derive its benefits. Its operation threw into her hands the whole fur trade of that region, and we stood by while the whole of that rich harvest was reaped by her subjects; but I saw that we would soon derive the most important advantages from the provisions of the treaty. The resistless increase of our population, and the gradual progress of their enterprise was bringing them fast to the foot of the Rocky Mountains. The great South pass had been discovered, and I saw that the settlement of Oregon by American citizens was rapidly approaching. If we should only adhere strictly to the convention, the progress of things would eventually decide who should have the possession of the territory. Our power to populate the region, and thus to obtain its actual possession, was far greater than that of Great Britain. Its distance from us was far less; the access to it was through an open grassy country, and, to men so active and hardy as our Western pioneers, the journey presented comparatively but small difficulty; whereas to reach Oregon from Great Britain required a circumnavigation of twenty thousand miles, a space but a little short of the circumference of the globe. Of all the spots on the face of the earth, presenting to her the possibility of colonization, Oregon was the most remote. There were hundreds of colonies that lay nearer; and presented a better soil and climate. Even New Zealand was nearer to the shores of England. All, therefore, that we had to do was to stick to the convention, to observe all its provisions with the most scrupulous fidelity, and then let the question of title be quietly and gradually settled by the actual occupation and possession of the country. To this course there was but one impediment: Great Britain might give the notice. But I had no such fear; for I had read the discussions of this

question on her side, and I thought I clearly saw that she placed no great value upon Oregon, as a permanent possession of the British Crown, but rather seemed to conclude that from its geographical position, the United States must ultimately get the whole of it. But, even if her calculation was otherwise, there were great impediments in the way of her giving notice to terminate the convention. She could do so if she pleased, so could we: this was an express provision of the treaty, and could not, in itself, be considered as a hostile movement on either side. But there was another convention which Great Britain contends to be still in existence, but which we insist has expired, and that is the convention of Nootka. This treaty of Nootka is in strict analogy with our convention of 1818; and if she should give us no notice, it could not be set aside unless its provisions were violated. We had observed the terms of our convention, and this foreclosed her from the possibility of such a movement.

It seemed, then, to me, clear as the light of heaven, that it would not do for us to make a movement of any kind. We might, indeed, give our people some facilities in reaching the country; and when they got there, we might extend our laws over them personally but not territorially. I doubted then, and I still doubt; even the expediency of going so far as that; but, most clearly, we could not set up our laws there territorially; because the moment we should do that, we must establish a custom-house, and levy and collect duties; and if there is any thing that can alienate the affections of those people from us, it will be the collection of high duties. Our people have gone there as their fathers came to New England at the beginning, setting aside the religious principle which had so great an influence on their action; and one important end they seek is the enjoyment of free trade. They will contend as earnestly for the free enjoyment of the trade of the Pacific as their ancestors did for that of the Atlantic before the Revolution. If we levy high duties on their infant trade, they will soon find a neighboring power who will extend to them greater advantages in this respect, and whose influence might rend the territory from you. My disposition has been to let them go there and govern themselves. That is a business for which they seem to have a native instinct, that marks their origin. Let them go there and settle the country, and then gradually and with great judgment and caution, extend our laws over them as it may become necessary; for here is the most delicate and critical point in the whole affair.

The other course that lay open to us was that pointed out in the bill of 1843, which provided for the practical assertion of our rights in the territory, and the exercise of our sovereignty there to a certain extent, by the passage of certain general laws. I thought this course not to be a fit and proper one. I saw

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very plainly what would be the consequence; and, indeed, it requires but little reflection to perceive this. To extend our settlements in Oregon, in conformity with the provisions of that bill, would be inconsistent with the terms of the convention, and would speedily bring us either to negotiation or to war. I anticipated that the result would be negotiation. And what then? Negotiation must end either in compromise or war. I never could believe in any other result. I also saw that, if we compromised, it must be on the parallel of 49°. The past history of the whole matter decided that; and, besides, as 49° was the boundary on this side the mountains, most people would think it reasonable and natural it should be the boundary on the other side.

But I would go neither for notice nor for compromise so long as we could persevere in what I conceived to be the true American policy. Hence I did resist the bill of 1843, in common with many able men in both Houses. It passed here by an equivocal majority of one vote, (the Senator voting under instructions in the affirmative,) but it was lost in the other House. Since then, the proposition for notice has been repeated, with a view to taking possession of the whole country. And so now we are where we are—a position which all ought to have foreseen—where we must compromise or fight.

I say, then, if there is any responsibility attached to the circumstances in which I find myself, I stand acquitted from any participation in it. The responsibility lies among my friends on the right. I doubt not they acted patriotically, but impatiently—in obedience to the impatience of their people. They have suffered themselves to be pushed into their present position without due reflection.

Now, being brought to the alternative by circumstances over which I have no control, I go for compromise, and against war. But in this course I am actuated by no unmanly fear of consequences. I know that, under the existing state of the world, wars are sometimes necessary: the utmost regard for justice and equity cannot always prevent them. And when war must be met, I shall be among the last to flinch. I may appeal to my past history in support of this assertion. But I am averse from going to war on this question, for the reasons I have given. But not for these only: I have still higher reasons. Although wars may at times be necessary, yet peace is a positive good, and war is a positive evil; and I cling to peace so long as it can be preserved consistently with the national safety and honor; and I am against war so long as it can be avoided without a sacrifice of either. I am opposed to war in this case, because neither of these exigencies exist: it may be, as I conceive, avoided without sacrificing either the national honor or the national safety. But if these dangers did exist, to a certain extent, war is still highly inexpedient; because our rights

in Oregon can be sustained with more than an equal chance of success without war than with it. This is a great and weighty reason against war. He who goes so stoutly to war for "all of Oregon or none," may possibly come out of it with "none." I concede to my countrymen the possession of all the bravery, patriotism, and intelligence which can be claimed for them; but we shall go into this contest with great disadvantages on our side. As long as Great Britain has a large force in the east, and is mistress of the sea, she can carry on the war at much less expense.

There is another reason why I am opposed to it: the war would soon cease to be for Oregon; the struggle would be for empire, and it would be between the greatest power in Europe on the one side, and the greatest and most growing and spirited people in the west on the other. It would be pressed on upon both sides with all the force, vigor, energy, and perseverance of two great and brave nations; each would strike the other in the most vulnerable point, and the blows would be tremendous. Amidst the uproar of such a contest, Oregon would soon be forgotten—utterly forgotten, to be recovered, if at all, on the contingencies of success or the reverse.

My next reason is, that, though it is alleged that we must fight in order to protect our citizens in Oregon, instead of their protection war would ensure their utter destruction. It is the most certain way to sacrifice them. This I will never consent to do. They are American citizens—our brethren and kindred. We have encouraged them to go there; and I never will give a vote the result of which must be their utter and speedy destruction. But if we make a compromise on latitude 49°, they will all be safe; for, if I am rightfully informed, there is not a man of them to be found north of that line. This will carry all the points we have in view, instead of sacrificing them all.

I am against war, too, for reasons common to the whole Union. I believe that the most successful and triumphant war we could possibly wage—even if, in ten years, we should get all the most extravagant advocate of war has dared to hope for—if we could take the Canadas, and New Brunswick, and Nova Scotia, and every other British possession, and drive her flag from the whole continent, and prosecute our advantages till we had accomplished the downfall of the British throne, and she should yield up spear and shield and trident at our feet, it would be to us the most disastrous event that could happen. I do not now allude to the ravages and desolations of warfare; to the oceans of blood that must flow, and the various miseries that ever accompany the contest of arms; because I have never observed that the statement of these things had any great effect upon a brave people. No doubt the evils would be very great, because there are no two nations in the world who can do each other so much harm in war, or so much good in peace,

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as Great Britain and the United States. The devastation would be tremendous on both sides. But all this goes for nothing; for this may all be repaired. The indomitable industry, and enterprise, and perseverance of our widely-spread and still spreading and multiplying population, will soon find ways and means of repairing whatever merely physical disasters war can inflict. But war has far heavier inflictions for a free people; it works a social and political change in the people themselves, and in the character of their institutions. A war such as this, will be of vast extent; every nerve and muscle on either side will be strained to the utmost; every commandable dollar will be put in requisition; not a portion of our entire frontier but will become the scene of contest. It will be a Mexican war on the one side, and an Indian war upon the other. Its flames will be all around us; it will be a war on the Pacific and a war on the Atlantic; it will rage on every side, and fill the land. Suppose Oregon shall be abandoned, we must raise seven armies and two navies; we must raise and equip an army against the Mexicans; and let no man sneer at the mention of such a power. Under the guidance and training of British officers, the Mexican population could be rendered a formidable enemy. See, what Britain has made of the feeble Sepoys of India. The Mexicans are a braver and a hardier people, and they will form the cheapest of all armies. With good training and good pay, they may be rendered a very formidable force. Then, we must have another army to guard our southern Atlantic frontier, and another to protect our northern Atlantic frontier, and another to operate on our north-eastern boundary, and still another to cover our Indian frontier. At the least estimate, we shall require a force of not less than two hundred thousand men in the field. In addition to that, the venerable and intelligent Albert Gallatin has calculated the cost of such a war at sixty-five millions of dollars; but that amount is too small. A hundred millions is not an over-estimate; and of this sum, fifty millions must be raised annually, by loans or paper; so that, allowing the war to continue for ten years, we shall have an amount of five hundred millions of public debt. Add to this the losses which must accrue on loans: it will be very difficult to get these loans negotiated in Europe; for, owing to the unfortunate manner in which this affair has been conducted, the feeling in Europe will be generally against us. We cannot obtain the requisite sums under an interest of thirty and forty per cent. Add all these expenses, and our total debt will not be less than seven hundred and fifty millions.

But this is not all. We shall be plunged into the paper system as deeply as we were in the days of the Revolution; and what will then be our situation at the conclusion of the war? We shall be left with a mortgage of seven hundred and fifty millions of dollars on the labor of the American people; for it all falls on the

labor of the country at last, while much of the money will go into the pockets of those who struck not a blow in the contest. We should then have the task of restoring a circulating medium of a sounder character, and that from the deepest degradation of the currency. This is a hard job, as all of us know who have gone through with it. Besides, the influence of the war will naturally be to obliterate the line of distinction between the State and General Governments. We shall hear no more about State rights, but the Government will become in effect a consolidated republic. By our very success, it will give a military impulse to the national mind which can never be overcome. The ambition of the nation will seek conquest after conquest, and will soon become possessed by a spirit totally inconsistent with the forms and genius of our Government; and this will lead, by a straight and easy road, to that gulf of all republics—a military despotism. Then we shall have to provide for three or four successful generals, who will soon be competing for the Presidency. Before the generation which waged the war shall have passed away, they will witness a contest between hostile generals. He who conquered Mexico, and he who conquered Canada, will each insist upon his right to the seat of power, and they will end their struggle by the sword. Freedom thus lost, institutions thus undermined and overturned, never can be recovered. The national ruin will be irretrievable.

I appeal, then, to gentlemen near me—to my friends, whose separation from us on this question I deeply regret—and I say to them, Is it for you, who are Democrats *par excellence*—for you, who are the enemies of paper money and the sworn destroyers of all banks and all artificial classes in society—is it for you to vote for a measure of such very equivocal success?

But I have still higher reasons. I am opposed to war as a friend to human improvement, to human civilization, to human progress and advancement. Never in the history of the world has there occurred a period so remarkable as the peace which followed the battle of Waterloo, for the great advances made in the condition of human society, and that in various forms. The chemical and mechanical powers have been investigated and applied to advance the comforts of human life in a degree far beyond all that was ever known or hoped before. Civilization has been spreading its influence far and wide, and the general progress of human society has outstripped all that had been previously witnessed. The invention of man has seized upon and subjugated two great agencies of the natural world which never before were made the servants of man: I refer to steam and electricity, under which, of course, I include magnetism in all its phenomena. Steam has been controlled and availed of for all the purposes of human intercourse. True, the steam-engine had been discovered before that period, but its powers have been subsequently per-

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fected, and by its resistless energies has brought nations together whom nature had seemed to separate by insurmountable barriers. It has shortened the passage across the Atlantic more than one-half, while the rapidity of travelling on land has been three times greater than by the common motive power. Within the same period man has chained the very lightning of heaven, and brought it down and made it administer to the transmission of human thought, inasmuch that it may with truth be said that our ideas are not only transmitted with the rapidity of lightning, but by lightning itself. Magic wires are stretching themselves in all directions over the globe, and when their mystic meshes shall at length have been perfected, our globe itself will be endowed with a sensitiveness which will render it impossible to touch it on any one point and the touch not be felt from one end of the world to the other. All this progress, all this growth of human happiness, all this spread of human light and knowledge, will be arrested by war. And shall we incur a result like that which must be produced by a war for Oregon? And this work is as yet but commenced; it is but the breaking of the dawn of the world's great jubilee. It promises a day of more refinement, more intellectual brightness, more moral elevation, and consequently of more human felicity, than the world has ever seen from its creation.

Now the United States and England are two nations to be pre-eminently instrumental in bringing about this happy change, because I consider them as being the most advanced in the scale of human improvement, and most in circumstances to further this amelioration, because they have the control of the greatest and most extensive commerce at present in existence. We have been thus distinguished by Providence for a great and a noble purpose, and I trust we shall fulfil our high destiny.

Again, I am opposed to war, because I hold that it is now to be determined whether two such nations as these shall exist for the future as friends or enemies. A declaration of war of one of them against the other must be pregnant with miseries, not only to themselves, but to the world around them.

Another reason is, that mighty means are now put into the hands of both to cement and secure a perpetual peace, by breaking down the barriers of commerce and uniting them more closely in an intercourse mutually beneficial. If this shall be accomplished, other nations will, one after another, follow the fair example, and a state of general prosperity, heretofore unknown, will gradually unite and bless the nations of the world.

And far more than that. An intercourse like this, points to that inspiring day which philosophers have hoped for, which poets have seen in the bright visions of fancy, and which prophecy has seen in holy vision—when man shall learn war no more. Who can contemplate a state of the world like this, and not feel

his heart exult at the prospect? And who can doubt that in the hand of an omnipotent Providence, a free and unrestricted commerce shall prove one of the greatest agents in bringing it about?

Finally, I am against war, because peace—peace is pre-eminently our policy. There are nations in the world who may resort to war for the settlement of their differences, and still grow great; but that nation is not ours. Providence has cast our happy inheritance where its frontier extends for twenty-three degrees of latitude along the Atlantic coast. It has given us a land which in natural advantages, is perhaps unequalled by any other. Abundant in all resources; excellent in climate; fertile and exuberant in soil; capable of sustaining, in the plentiful enjoyment of all the necessaries of life, a population of two hundred millions of souls. Our great mission as a people is to occupy this vast domain—there to fulfil the primeval command to increase and multiply, and replenish the land with an industrious and virtuous population; to level the forests, and let in upon their solitude the light of day; to clear the swamps and morasses and redeem them to the plough and sickle; to spread over hill and dale the echoes of human labor and human happiness and contentment; to fill the land with cities, and towns, and villages; to unite its opposite extremities by turnpikes and railroads, to scoop out canals for the transmission of its products, and open rivers for its internal trade. War can only impede the fulfilment of this high mission of Heaven; it absorbs the wealth, and diverts the energy which might be so much better devoted to the improvement of our country. All we want is peace—established peace; and then time, under the guidance of a wise and cautious policy will soon effect for us all the rest. I say time will do it, under the influence of a wise and masterly inactivity—a phrase than which none other has been less understood or more grossly misrepresented. By some, who should have known better, it has been construed to mean inaction. But mere inertness and what is meant by a wise inactivity are things wide apart as the poles. The one is the offspring of ignorance and of indolence; the other is the result of the profoundest wisdom—a wisdom which looks into the nature and bearing of things; which sees how conspiring causes work out their effects, and shape and change the condition of man. Where we find that natural causes will of themselves work out our good, our wisdom is to let them work; and all our task is to remove impediments. In the present case, one of the greatest of these impediments is found in our impatience.

He who cannot understand the difference between an inactivity like this, and mere stupid inaction and the doing of nothing, is as yet but in the horn-book of political science. Yes, time—ever-laboring time—will effect every thing for us. Our population is now increas-

ing at the annual average of six hundred thousand. Let the next twenty-five years elapse, and our average increase will have reached a million a year, and, before many of the younger Senators here shall have become as gray-headed as I am, we shall count a population of forty-five millions. Before that day, it will have spread from ocean to ocean. The coasts of the Pacific will then be as densely populated and as thickly settled with villages and towns as the coast of the Atlantic is now. In another generation we shall have reached eighty millions of people, and, if we can preserve peace, who shall set bounds to our prosperity, or our success? With one foot planted on the Atlantic and the other on the Pacific, we shall occupy a position between the two old continents of the world—a position eminently calculated to secure to us the commerce and the influence of both. If we abide by the counsels of common sense—if we succeed in preserving our constitutional liberty, we shall then exhibit a spectacle such as the world never saw. I know that this one great mission is encompassed with difficulties; but such is the inherent energy of our political system, and such its expansive capability, that it may be made to govern the widest space. If by war we become great, we cannot be free; if we will be both great and free, our policy is peace.

Before I resume my seat, allow me to say a few words which relate personally to myself, and then I will relieve the Senate.

I have been charged with having more inclination for the annexation of Texas than for the retention of Oregon; and it has been said that my partialities are strong for the South, but very weak in comparison for the North. But why is Texas spoken of as particularly connected with the Southern States? I always thought that Texas formed a part, and a very important part, of the valley of the Mississippi, and that the hearts of all who loved the West were particularly set upon its acquisition, as a means of perfecting and consummating the Union of our great Western world. I never knew that Texas was confined to a southern latitude. I thought its higher portions extended up to the latitude 42° north, not far from the great pass of the Rocky Mountains; and I have been in the habit of supposing that the Southern States proper had not so great an interest in it as had the great West. But it seems I was wrong, and that the annexation of Texas was a purely Southern question. Admitting it to be so, I put my defence upon the ground that I have treated both questions—that of Texas and that of Oregon—in a manner best calculated to keep both, and that the course I pursued was the only effectual means to unite Texas and to retain Oregon. If my course was different towards the two, it was because the circumstances of the two were entirely different. In the case of Texas time was against us; in the case of Oregon time was for us: and hence the difference in my policy.

Texas has been secured. We were at a point where she must come under our influence, or under that of England. I was anxious to prevent the latter, and secure the former; and I knew that time would be against us. I had to contend against time which waits for no man. That was no case for a masterly inactivity. I therefore wrestled boldly with the question; and success has proved that the policy was sound. But, in the case of Oregon, time was in our favor. My policy in both cases was the same—to avoid war and to preserve peace. I had no fears of a war with England. I knew that Texas was an independent State, and had so been acknowledged by England herself; so that if the people of Texas consented to the annexation, the opposition of England had nothing to stand on; and that we had nothing to fear from Mexico, unless she was aided by England; and that England would not aid her unless with a view to the Oregon question. And I thought that, if the Texas question was not settled, there would be bitter feeling between us and England. We are both the descendants of the same stock—both jealous and brave—both fond (too fond) of war; England would have interfered, and then it would cost us a war to recover that which, by a wise and a bold policy, we might have effectually secured.

The Senate then adjourned.

MONDAY, March 30.

Mr. RUSK presented the credentials of his colleague, General SAMUEL HOUSTON, of Texas; which were read, and Mr. HOUSTON having received the oath of office, took his seat in the Senate.

#### *Diplomatic Correspondence.*

The Senate resumed the consideration of the following resolution, submitted some time since by Mr. J. M. OLAYTON:

"Resolved, That the President of the United States be requested to communicate to the Senate copies of any correspondence that may have taken place between the authorities of the United States and those of Great Britain since the last document transmitted to Congress, in relation to the subject of the Oregon territory, or so much thereof as may be communicated without detriment to the public interest."

Mr. WEBSTER rose and said: I shall advise my honorable friend, the member from Delaware, to forbear from pressing this resolution for a few days.

There is no doubt that there are letters from Mr. McLane; but as the Chairman of the Committee on Foreign Relations opposes this motion, I am to presume that the Executive Government finds it inconvenient to communicate those letters to the Senate, at the present moment.

Yet, it is obvious, that as the Senate is called on to perform a legislative act, it ought, before

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*Diplomatic Correspondence—Oregon.*

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the hour of its decision comes, to be put in the possession of every thing likely to influence its judgment; otherwise, it would be required to perform high legislative functions on mere confidence. There is certainly some embarrassment in the case. If the Executive Government deems the communication of the correspondence inconvenient, it can only be because negotiation is still going on, or, if suspended, is expected to be resumed. So far as negotiation is concerned, the communication, or publication, of the correspondence, may very properly be thought inconvenient. But, then, the President has recommended the passage of a law, or resolution, by the two Houses of Congress. In support of this recommendation, he himself sent us, unasked, at the commencement of the session, the correspondence up to that time. Now, if that was necessary, the rest is necessary. If we are entitled to a part, we are entitled to the whole.

In my opinion, the mistake was in calling on Congress to authorize notice to England of the discontinuance of what has been called the joint occupation, until negotiation had been exhausted. Negotiation should have been tried first, and when that had failed, and finally failed, then, and not till then, should Congress have been called upon.

I now go on the ground, of course, that the notice for discontinuing the joint occupancy is properly to be given by authority of Congress; a point which I do not now discuss.

It is said, indeed, that notice is to be used as a weapon, or an instrument, in negotiation. I hardly understand this. It is a metaphor of not very obvious application. A weapon seems to imply, not a facility, or mere aid, but the means either of defence against attack, or of making an attack. It sounds not altogether friendly and pacific. I doubt exceedingly whether, under present circumstances, notice would hasten negotiation; and yet such are those circumstances that there may be as much inconvenience in standing still as in going forward.

The truth is, that great embarrassment arises from the extreme pretensions and opinions put forward by the President, in his Inaugural Address, a year ago, and in his Message last December. But for these, notice would have been harmless, and perhaps would have been authorized by both Houses without much opposition, and received by England without dissatisfaction. But the recommendation of the notice, coupled with the President's repeated declarations that he held our title to the whole of the territory to be "clear and unquestionable," alarmed the country. And well it might. And if notice were required, in order to enable the President to push these extreme claims to any and every result, then notice ought to be refused by Congress, unless Congress is ready to support these pretensions at all hazards. Here lies the difficulty. Congress is not prepared, and the country is not prepared, as I believe, to make the President's opinion of a clear and unquestiona-

ble right to the whole territory an ultimatum. If he wants notice for such a purpose, he certainly must see that it becomes a grave question whether Congress will grant it.

It was a great, a very great mistake to accompany the recommendation of notice with so positive an assertion of our right to the whole territory. Did the President mean to adhere to that, even to the extremity of war? If so, he should have known that, after what has happened in years past, the country was not likely to sustain him. Did he mean to say this, and afterwards recede from it? If so, why say it at all? Surely the President could not have been guilty of playing so small a part, as to endeavor to show himself to possess spirit, and boldness, and fearlessness of England, more than his predecessors, or his countrymen, and yet do all this in the confident hope that no serious collision would arise between the two countries. So low an ambition, such paltry motives, ought not to be imputed. When the President declared that, in his judgment, our title to the whole of Oregon was "clear and unquestionable," did he mean to express an official, or a mere personal opinion? If the latter, it certainly had no place in an official communication. If the former—if he intended a solemn official opinion, upon which he was resolved to act officially—then it is a very grave question how far he is justified, without new lights, or any change of circumstances, to place the claims of this country, in this respect, on other grounds than those on which they had stood under his predecessors, and with the concurrence of all branches of the Government, for so many years; for it is not to be doubted that the United States Government has admitted, through a long series of years, that England has rights in the north-western parts of this continent which are entitled to be respected.

Mr. President, one who has observed attentively what has transpired here and in England, within the last three months, must, I think, perceive that public opinion, in both countries, is coming to a conclusion that this controversy ought to be settled; and is not very diverse, in the one country and the other, as to the general basis of such settlement. That basis is the offer made by the United States to England in 1826.

There is no room to doubt, I think, that this country is ready to stand by that offer, substantially, and in effect. Such is my opinion, at least, and circumstances certainly indicate that Great Britain would not, in all probability would not, regard such a proposition as unfit to be considered. I said, some weeks ago, that I did not intend to discuss titles at length, and certainly not to adduce arguments against our own claim. But it appears to me that there is a concurrence of arguments, or considerations, in favor of regarding the 49th parallel as the just line of demarcation, which both countries might well respect. It has, for many years, been the extent of our claim. We have claimed

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up to 49° and nothing beyond it. We have offered to yield every thing north of it. It is the boundary between the two countries on this side the Rocky Mountains, and has been since the purchase of Louisiana from France.

I do not think it important either to prove or disprove the fact, that commissioners under the treaty of Utrecht established the 49th parallel as the boundary between the English and the French possessions in America. Ancient maps and descriptions so represent it; some saying that this line of boundary is to run "indefinitely west," others saying, in terms, that it extends "to the North-western Ocean." But what is more important, we have considered this boundary as established by the treaty of Utrecht, at least on this side of the Rocky Mountains. It was on the strength of this that we drove back the British pretensions, after we had obtained Louisiana, north, from the head-waters of the Mississippi to this parallel of 49°.

This is indubitable. We have acted, therefore, and induced others to act, on the idea that this boundary was actually established. It now so stands in the treaty between the United States and England. If, on the general notion of *contiguity*, or *continuity*, this line be continued "indefinitely west," or is allowed to run to the "North-western Ocean," then it leaves on our side the valley of the Columbia, to which, in my judgment, our title is maintainable on the ground of Gray's discovery.

The Government of the United States has never offered any line south of forty-nine, (with the navigation of the Columbia,) and it never will. It behooves all concerned to regard this as a settled point. As to the navigation of the Columbia, permanently or for a term of years, that is all matter for just, reasonable, and friendly negotiation. But the 49th parallel must be regarded as the general line of boundary, and not to be departed from for any line further south. As to all straits, and sounds, and islands in the neighboring sea, all these are fair subjects for treaty stipulation. If the general basis be agreed to, all the rest, it may be presumed, may be accomplished by the exercise of a spirit of fairness and amity.

And now, Mr. President, if this be so, why should this settlement be longer delayed? Why should either Government hold back from doing that which both, I think, can see must be done, if they would avoid a rupture? Every hour's delay is injurious to the interests of both countries. It agitates both, disturbs their business, interrupts their intercourse, and may, in time, seriously affect their friendly and respectful feeling towards each other.

Having said this, Mr. President, it would be needless for me, even if it were proper, to add more. I have expressed my own opinions plainly and without disguise. I think I see clearly where this business must end, if it is to end without serious collision; and I earnestly

hope, that those in whose hands power is, on both sides, will exercise that power promptly, in removing the great evils produced on both sides by the pendency of this unfortunate, disturbing, and dangerous controversy.

It is not a case in which either Government should stand on matters of form or etiquette. The interests at stake are too important for that. It is not humiliation, it is not condescension even, for either Government to signify to the other its readiness to do at once what it sees must be done ultimately. Thus far, the dispute does not touch the honor of either Government. Let, then, the propitious moment be seized; let candor, and fairness, and prudence rule the hour; and let these two great nations be restored to the full enjoyment of their vast, useful, and harmonious intercourse.

Mr. ALLEN said that the Senator from Massachusetts having expressed it as his opinion that the resolution calling for certain information from the Executive should for the present be suffered to lie on the table, which suggestion, he presumed, would be complied with, it became unnecessary for him to enter upon the discussion of that question at this time.

The Senator from Massachusetts, however, has made this the occasion of doing what I estimate as of more importance than expressing his opinion on the subject of this resolution. It is undoubtedly true that, constitutionally, and in our intercourse with each other on this floor, all the members of this body enjoy a perfect equality. But it is also true, that the long experience which some Senators have enjoyed, and the place they have acquired in the judgment of their country, make what they say upon this floor of much more importance than if it fell from the lips of some other Senator. The Senator from Massachusetts has, for the first time, taken this morning, in this Senate, a position on the question of Oregon. Not only has he done that, but he has taken extraordinary precautions against the possibility of his position being mistaken—a precaution that grows by no means out of any want of capacity upon his part to speak in this body without the aid of elaborate notes. There is a solemnity in the form with which the opinions of the Senator from Massachusetts have been announced to-day, which, connected with the character of that Senator for ability and influence in this country, makes that announcement of great importance in this contest.

Three points he has distinctly stated: one is, that in his judgment, the President of the United States has made mistakes in reference to the Oregon question. He has, in the judgment of that Senator, made mistakes of several descriptions, but mainly in having asserted the title of the United States to the whole of this territory up to the Russian boundary, and that in the Message in which he recommends the termination of the subsisting convention between the United States and Great Britain. The Senator from Massachusetts thinks that by



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the assertion of that title in immediate connection with the recommendation of notice, the President of the United States has embarrassed this question; and that therefore, whatever may be the result of the action of Congress upon the recommendations of the Executive, the President of the United States, and not Congress, will be held responsible before the American people—that all the difficulties which may ensue in reference to the Oregon question are to be traced back to this error on the part of the President committed in his Message to Congress on the opening of the session. That is one of the points made by the Senator.

Now, sir, this is the first occasion, I believe—the very first occasion on which I have heard in this Senate any fault thus ascribed by any one who has no difficulty in comprehending what the President meant. Other Senators have said, “if the Message means this, I am against it,” and “if it means that, I disagree with it.” But the Senator from Massachusetts has no doubt in his mind of what the President meant; and with a full conviction in his mind as to what the President did mean, he ascribes to him the commission of a great error in this business, and therefore makes him responsible for all the consequences which may ensue. That’s one of the points made by the Senator from Massachusetts.

Another point is—and it is a very important one—that in the judgment of that greatly experienced, and greatly enlightened Senator, the public opinion of both the United States and Great Britain is concentrating upon a fixed mode of adjusting this difficulty; and that that fixed mode is the assumption as the basis of the adjustment, not the arbitrary line of 49°, but the proposition of 1826, which went south of that line for the purpose of national advantage, yielding up the navigation of the Columbia River to Great Britain.

Now this thing is announced to-day, as the first announcement in the Senate of the United States this session of a disposition anywhere, (though I see it in some of the papers for the last three days)—but the first announcement in the Senate of the United States of anybody, according to my recollection, that there is the possibility, in any human circumstances, of the United States conceding to Great Britain the navigation of the Columbia River. That is the point to which I desire to attract the particular attention of the Senate. The public opinion of the two countries, according to the Senator from Massachusetts, is converging to the point of negotiation upon the basis of the proposition of 1826, and we all know what that was. Now this strange fact presents itself: that we started out at the commencement of this session of Congress with claiming the whole of Oregon; at the end of three months beginning to tremble on the 49th parallel; and at the end of three weeks more falling back even south of that parallel; receding every hour, until by the rules of legislative progression, three months

more will bring us to the point where we will surrender the whole country to Great Britain in order to get clear of a war.

Mr. HANNEGAN. Let them try that!

Mr. ALLEN. All these things convince me that the President of the United States has not committed a great error; but that he has manifested great patriotism and great judgment in asserting our claim as commensurate with our title to the whole of this territory. The whole of this debate, thus far, has proceeded upon the assumption—which I believe is unsustained by any reason or fact—a false assumption—that Great Britain has a just right to a part of this country; and that she will sacrifice no part of her just rights, but will fight for them; and that therefore we must sacrifice a part of our just rights, rather than fight for them.

Sir, if Congress had the first week of its session passed this resolution, and the next week had followed it up by a bill to extend our laws as recommended by the Executive, this Oregon difficulty would, in my judgment, have been, by this time, settled without blood or the loss of one acre of this land of the United States. But after we have witnessed, and the world has witnessed, what has transpired here—after Congress has faltered—or rather the Senate has faltered, in the face of a vote in the House of Representatives of three to one, and one over—and after a distinguished Senator at the end of three months of time proposes to fall back on the Columbia River—I ask any man, what is likely to be the course of Great Britain? Sir, this course of ours seems to invite her to claim the whole. Every inch that we recede from the ground we originally took, multiplies the chances of a fight for this country with Great Britain. Everybody must see this. When she sees hesitation—when she sees divided counsels—when she sees the President censured for the manner in which he has conducted himself on this subject—when she sees three months of time wasted, and the arm of the Government paralyzed at home, she will not hesitate as to her course of policy on this subject. Not at all.

But the Senator has laid down another proposition; and that is—I suppose in order to give public opinion in the two countries time to settle down upon the Columbia River as a boundary—that, in his judgment, we ought to drop this business altogether for a month; that we ought to postpone this resolution. Postpone it! For what purpose? Why, until another steamer can arrive here and inform us whether or not Queen Victoria is pouting at us; to inform us whether or not the British Government are pleased or offended with our doings here.

Sir, this is a species of national humiliation to which I, for one, will never submit. It is time we should not only speak, but act like men who are conscious of being the representatives of an independent Government, who understand its rights, and would assert its rights, without any reference to the question

whether another Government was pleased or displeased.

It was upon these three points I wished to fix the attention of the Senate, because, as I have before stated, they have been made by that Senator, with his standing in the country—made with extraordinary solemnity—made with remarkable precaution, as to each syllable to which the utterance was given. All these things impress me with the idea that we are to have more trouble growing out of this Oregon question than we had before imagined. If there is war between these two countries on this subject, the cause of that war will be found in the Senate of the United States—it will be found in our hesitating course, in our divided counsels, in the exhibition of an unwillingness upon our part to sustain the rights of the country by the force of the country. But I will not trespass on the time allotted for the general discussion of the question; and as I believe the Senator has acquiesced in the suggestion that this resolution be passed over informally, I move that the Senate now proceed to the consideration of the special order of the day.

Mr. A. withdrew the motion at the request of—

Mr. WEBSTER, who said: It is very true that I expressed, with premeditated precision, my sentiments on this question. It is an important question; it has respect to the interests of the two nations, and that in a considerable exigency between them. It is important, under such circumstances, to be precise; and I may perhaps be permitted to say that I do not think it would be very far out of the way if some other gentlemen would adopt a little of the like care to make their language on a great national question like this, somewhat correct and accurate.

The gentleman sees fit to consider that this proceeding will be regarded as a national humiliation. I rather fancy not. I question whether the effect will not be directly opposite; and if any countenance in Great Britain, whether in high or low station, shall wear either a pout or a sarcastic smile, whether it is not more likely to be originated by what has passed on the other side of the chamber than on this.

But one word on a matter more important. The gentleman says that I have offered as a boundary the river Columbia. Pray, let me be understood. Such a misapprehension of my words and my meaning as this shows, it seems to me that I was not very far out when I took the precaution of reducing what I intended to say to writing. What I said was, (and I presumed not to dictate to the Senate, or to speak as *ex cathedra*), that in my judgment public opinion in both countries tended to a union on the general basis of the proposal made by this Government to that of England in 1826. And I now ask the gentleman from Ohio whether he does not think so himself? [Mr. ALLEN expressed dissent.] Well, then, does not he think

that in this country public opinion is in favor of taking as a basis of settlement the parallel of 49°?

Mr. ALLEN, in reply, said: I have no idea that public opinion in this country has fixed or will fix on any line south of the Russian boundary. The proposition that the public mind, in both nations, is in favor of the proposition in 1826, will be considered as amounting to this, that we are willing to give up the navigation of the Columbia River.

Mr. WEBSTER resumed. Well, if my opinion is so very far wrong, if it is so wide from the truth as all that, why, of course, it will go for nothing. In relation to what the gentleman last said, I beg leave to state that what I said, with cautious care, was, that public opinion was settling on the line of 49° as a *general basis* of agreement. I did not say the precise basis of all that was offered in 1826, because I immediately added that, taking the parallel of 49° as a *general basis*, that then the navigation of the Columbia, either permanently or for a term of years, and that of the straits and sounds and islands on the coast, might all be made a matter of friendly negotiation. I did not recommend that we should decide either one way or the other as to the use of the Columbia River. Not at all. What I meant, and what I said, was, that if 49° should be agreed on as a *general basis*, I was satisfied to negotiate about all the rest. But the gentleman from Ohio and the Senate will do me the justice to allow that I said, as plainly as I could speak or put down words in writing, that England *must not expect any thing south of forty-nine degrees*. I said so in so many words.

It is my opinion—I may be mistaken—but to me it is as clear as the sun at noonday, that the strong tendency of public opinion is, that we ought to stand by our own offer made in 1826, in substance, in effect. And was not that the doctrine put forth by the honorable Senator from South Carolina (Mr. CALHOUN) the other day? And has it not been proved that that has always been the extent of our claim? I think there are reasons why it should be.

But I rose only to explain. I am of opinion that this question must be settled, and settled shortly, on the parallel of 49°. As to the navigation of the Columbia, and the straits, and sounds, and islands, all that is a fit subject for negotiation. But England is not to expect any thing south of that boundary. And I am persuaded that the people of the United States—a great majority of them—are content now to abide by what their Government offered to Great Britain in 1826.

Mr. J. M. CLAYTON here rose and said: The hour has arrived for the special order; and I do not mean to detain the Senate from proceeding to its consideration. I feel, however, that it is due to myself to state, that in offering this resolution, I had not the remotest design to embarrass the Executive of the United States.

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It has never, on any occasion, been my purpose to give any embarrassment to the Executive. I thought that there were many gentlemen in the Senate desirous of obtaining this information, with the view of governing their own conduct on this question. I supposed that the information thus sought would be essentially pacific in its character; and I think now, that if obtained, it would probably increase the vote on the notice as being favorable to peace. Heretofore I have intimated, and desire to express again the same idea, that my own vote on this question would not be regulated by any information sent in reply to this resolution. I have long been warmly of opinion that the notice ought to be given, and I have publicly expressed that opinion in the course of the debate in this body. I think so now, no matter what may be the condition of the negotiation between this country and the Executive. I think so, because the convention of 1827 bound us in such a manner—so shackled us that during its continuance it would be impossible for this country to acquire a clear and perfect title to any part of the territory. We are now, as is known to all, peopling that country with American citizens. It is in our power to send one hundred emigrants to Oregon for every one England can send. And yet, while we are thus filling the country with American citizens, we acquire no title whatever by that possession as long as the convention continues. While it remains, the possession of one party is the possession of the other. As an American, therefore, I am anxious to put an end to the convention, and for the purpose expressed by the President in his Message, that we may the more effectually assert our rights there. I agree with the Senator from Georgia, that while the convention lasts we have got to acquire a title to that territory, and never can perfect that title to any portion of it until the convention be abrogated. For this reason, then, as an American, I am anxious to terminate the convention. If I were an Englishman, I should be equally anxious that it continue in force.

No matter, then, what may be the information obtained in reply to the resolution I have offered, I feel bound to vote for the notice; and I prefer it in the form suggested by the Senator from Maryland, (Mr. JOHNSON,) which is but a slight modification of that previously offered by the Senator from Kentucky, (Mr. CHITTENDEN.)

TUESDAY, March 31.

*Special Order—Oregon.*

The Senate proceeded to the consideration of the special order, being the joint resolution submitted by Mr. ALLEN, as amended by the Committee on Foreign Relations, &c.

Mr. CASE commenced with a disclaimer of any intention to enter into a formal discussion

of the title on which we rest our claim to the Oregon territory. That question had already been sufficiently illuminated by the Senator from South Carolina, while Secretary of State, and his able successor, as well as by Senators on this floor. He would not attempt to correct the various misrepresentations which had been circulated abroad, aware that they only constituted the tax which men in elevated station must pay for their position.

If war had its dangers, so has peace; and while we strive to avoid the former, we should be watchful lest we incur those of the latter. He read an extract from the speech of Mr. HAYWOOD, in which it was stated that the debates in Congress compared disadvantageously with the mildness and decorum which prevailed in the British Parliament. In refutation of this statement he read an attack made upon himself (Mr. CASE) in the House of Lords by Lord Brougham, and also upon the people of this country, in 1843.

When he came here he determined to assail no one, and he had hoped to be himself freed from attack. Our position here was sufficiently elevated, and we ought to be content to perform our duties conscientiously. He would bandy words with no one; although he could not but take exception to language which had been applied to himself. It would be easy to retort, and he who assails has no right to complain when assailed.

He had formerly said that he could not see how any one could assume that the claim of the United States does not extend north of 49°. Since that, several Senators had declared that 49° was the barrier of our claim; and that all our title lay south of that line. A great error certainly prevailed either among the ultraists or their opponents. He went into an argument to show that the error was on the opposite side. Our claim he asserted, extended from California to the Russian boundary. That whole region of territory was so bound together by circumstances and interests that it was not politically divisible by lines and parallels of latitude. He contended against the view of the Senator from Georgia, (Mr. BERRIER,) that our limitation to the parallel of 49 rested on the grounds of contiguity and latitude. He coincided with Mr. Greenhow that no such line as was contemplated by the treaty of Utrecht was ever run; and asserted, that in none of her recent correspondence had Great Britain rested her claim on this suppositions line. At the time of the adoption of that treaty, the north-western territory was a *terra incognita*; and how could the treaty of Utrecht, in 1714, give a title to Great Britain, when she herself rests her claim on Captain Cook's discovery some half century afterwards? Of course she herself does not recognize this line as a ground of title.

Having shown that no such line as 49 was established by the treaty of Utrecht, he re-

garded this fact as a strong argument against the submission, on our part, of this question to arbitration.

After referring to the various propositions made from time to time to settle the respective claims of the two countries on 49°, he quoted from Mr. Gallatin to sustain him in a statement that Mr. Gallatin himself did not regard our claim as terminating at 49°. This Government, he contended, was not bound to return to an offer which had been previously made and rejected.

He then proceeded to speak on the subject of compromise, and asserted that a compromise did not affect the question of title.

Referring to the language of the President in his Message, he would not attempt to deduce from it any obligation to renew the rejected offer of 49°. In that Message, the President states that, although England had no claim upon us, to show the moderation of our views, he had offered her the parallel of 49°, without the Columbia River. The incipient steps are with the President, and with him he was willing to leave it. But he protested, in advance, against the ground that we are bound to a compromise on the basis which has been rejected. And if the question were submitted to arbitration, he adduced reasons to show that the decision would be a splitting of the difference. He therefore thanked the President for refusing an offer which would give away a portion of our unquestionable territory.

The Senator from North Carolina (Mr. HAYWOOD) had used the term *ultra* in reference to gentlemen who sustained the title of the United States to 54° 40'. He (Mr. O.) hoped that 49 would never be a resting-place for an American foot. The Senator had no right to assume that, standing on 49°, he stood on the true barrier of our claim. He had no right to measure another's corn by his bushel. God Almighty had given every man his own bushel, and he could measure to suit his own views. Mr. O. then read some remarks which he had made three years ago on this question. The Oregon he claimed was the whole of Oregon, and not an inch of it would ever be surrendered by his vote. He vindicated the President from the injustice done to him by the insinuation that he kept the word of promise to the ear and broke it to the hope. The Oregon of the President is the same Oregon which so agitated the whole of the United States at this moment. He deprecated the mode adopted by the Senator from North Carolina in giving his exposition of the meaning and objects of the President, not from his official communications, but from what the Senator had called his acts of omission and commission; and could not understand what practical benefit was contemplated by these unsustainable deductions.

With reference to the estimates received from the departments, he asserted that they had been made early in the session, and in the usual manner; and that if Senators put these estimates

in their pockets, the responsibility would be on them, and not on the Executive. He specified the estimates from the Navy Department, and adverted to the discussion on the bill reported by the chairman of the Committee on Naval Affairs, and the issue of it. He then read some recommendations from General Scott as to the increase of the army. He repudiated the idea that the President had not reposed confidence in the chairman of the Committee on Foreign Relations, and highly eulogized the able and firm conduct of that Senator throughout all this debate, and expressed his conviction that the Senator enjoyed the entire confidence of the Executive.

He refuted the inferences drawn by several Senators who had addressed the Senate, of a disposition on the part of the President to accept the proposition of 49°, from unauthorized statements. He demanded the assent of Senators on the other side to the declaration that the President and his friends were as strongly attached to a pacific policy, and as much disposed to meet Great Britain on any just and honorable ground, as any on the other side of the Senate; but he would not speak with any confidence of the probability of an amicable termination of this question until unreasonable demands were no longer pressed upon us. In the prospect before us, he could not recognize the dawn of a bright day. The lion and the eagle could not yet lie down together.

The Senator from New Jersey (Mr. MILLER) had said, not sneeringly, that it was better to fight for the last inch of territory than the first. He asked that Senator to reflect on the converse of the proposition, and to say it was not better to fight for the first inch than the last. In reply to other Senators, he admitted the obligations of every Government to avoid war. The power of England was indisputable. Her flag floated in every quarter of the globe; her drum was heard on every shore. But her moderation was less conspicuous than her power. All that she could now hope for was the territory north of 49°; and of what value was that, when weighed against the dangers, cost, and chances of war? She is now overrun with population and subjects. She has two wars on hand—one on La Plata, for commercial objects, and one in the Indies, for territorial acquisition. Let her abandon her pretensions on this continent, and he would say, "Well done," although it would be rather late in the day for her to begin. He ridiculed the idea that two great nations cannot go to war; and cited the wars which were now waging in Africa, in Circassia, and in India, in refutation of the idea. He cited the course which Great Britain had pursued in reference to China, and the revolution which was in progress in that country, in consequence of her war upon the Tartar dynasty of that empire. He touched upon the false notion of philanthropy which led men to travel to the north pole in quest of objects of benevolence, and neglecting their

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own immediate neighborhood; and on the different degrees of sympathy called forth when an object of compassion was a brown or a white skin.

From the moment when he read the President's Message, he foresaw the difficulties which were coming upon us, and the necessity for wise and energetic action on the part of those who were the public sentinels. He recommended those measures which were calculated to the effective assertion of our rights. Great Britain must recede considerably, and abandon much of her pretension, before there could be a reasonable hope of a peaceful issue. He did not say she would not do this. This he had said before, and this he repeated. He was not able to say whether, if she now came back to the parallel of 49°, she would find our Government prepared to meet her on that basis. On this point, he knew no more than any Senator on this floor, or any spectator in the gallery. He thought it wiser and better to understand the President from his official documents, than from any supposed acts of omission and commission. He had hoped that Great Britain would, from our course, have been led to retreat from the position she had taken; but, although there were slight symptoms of her waking up from her lethargy, no effective step had been taken by her. All our boundary—upwards of eleven thousand miles, (including Oregon)—is in an undefended state, while Great Britain is buckling on her armor; and how it would terminate, he could not pretend to say. It was our duty to calmly and deliberately look at our condition. If we are to be plunged in war, it becomes us to prepare ourselves for it. We shall not weaken the chances of war by underrating either our own strength or that of our adversary; and, in this respect, the Senator from Delaware (Mr. J. M. CLAYTON) had acted with great wisdom and patriotism. As to the power of England, while he believed that her excessive weight of taxation and debt was inevitably urging her to her ruin, he must be a bold man who could take it upon himself to predict the period of her greatness. Now she has the same vigor to strike which she always had. She can draw on the future, to meet the necessities of the present. Our own resources are also great and equal to any emergency; and the spirit which would urge us onward, would be as irresistible as the surges of the ocean as they rolled over the tracks on the sand. We have no king of finance who can paralyze or expand our energies at his will.

He then went on to notice some remarks in the speech of the Senator from South Carolina, (Mr. CALHOUN,) premising that he should speak of the Senator with that respect due not only to his high character, but to a friendship of thirty years, which (said Mr. C.) has been to me a source of high gratification. He coincided with that Senator in his view of consistency. The man who boasts that he never changes,

only boasts that the lessons of wisdom are all lost upon him, and that he does not advance in knowledge as he advances in experience. To subvert the deductions of the Senator from South Carolina, he quoted from some of the London Journals received by the last steamer, for the purpose of showing that public opinion in England had become less amicable than it was some time ago. As to the observations of Sir R. Peel on the rejection by Mr. Pakenham of the offer of 49, he regarded them as not committing him to any particular opinion or course of action. Had he intended it to indicate a peaceful disposition, why have we not, since that period, heard something from him of a design to carry it into effect?

In relation to the present state of the territory, he regarded it as critical and liable to be disturbed every moment. The first gun fired on the Columbia will send its echoes to the further shores of the Atlantic. He was a firm believer in the sure and mighty efficacy of the great agent Time, but he believed that Great Britain will not herself permit this state of things to continue. "Whoever has Oregon will command the North Pacific," is the language which has been used in England; and is it to be expected that she will quietly witness the occupation of that country by a dense population of American citizens? If she would ever abandon the country, she would do it now, when there can be no dishonor in giving it up; not when there has grown up there a great power capable of resisting her.

The evils of war had, in his opinion, been too gloomily represented by the Senator from South Carolina. Admitting that a war of ten—of five years—would be disastrous to us; it could not exist without bringing into collision the great questions of our day—the right to govern and to obey. But if it were to be even more disastrous than he represented, was it right for the Senator to make such a statement on this floor?

Mr. CALHOUN said he had put it as a hypothesis, that even a most successful war would be disastrous, and could not be terminated in less than ten or twenty years.

Mr. CASS said he referred not to the money part of the Senator's speech, but to the prediction that such a war would produce the overthrow of this Government. In that view, a war would at once be a signal of destruction, and we have nothing left but, when smitten on the one cheek, to turn the other. The experience of two wars stamped error on this prediction. He referred to the course pursued by the Senator from South Carolina and Mr. Clay, the Homeric chiefs during the last war, and the effect produced by it on the energies of those who were engaged in fighting the battles of the country on our frontier. He believed that although we should suffer severely, we should come out from another conflict with many glorious wreaths on our brows.

Many a raven had croaked in that day.

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[29TH CONG.]

Many a Cassandra had foretold the ruin of the country. But he regarded our country as the strongest for good, and the weakest for evil, in the world—resting on public opinion. It is the only Government in which there can be no revolution. Changes there may be. But the evil of a Government of military chieftains, as predicted by the Senator from South Carolina, was the last which we ought to fear.

## HOUSE OF REPRESENTATIVES.

TUESDAY, March 31.

*The Independent Treasury.*

On motion of Mr. DROMGOOLE, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. JOHNSON, of Virginia, in the chair,) and resumed the consideration of the bill to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue.

The pending question being on the following amendment heretofore offered by Mr. C. B. SMITH, to the 1st section of the bill—

"*Provided*, That nothing contained in this act shall be so construed as to prevent the Secretary of the Treasury from depositing the revenues of the Government in any bank or banks when he may deem it expedient; and also to receive Government dues in the paper of specie-paying banks."

Mr. MARTIN, of Wisconsin, offered the following amendment:

Insert after the word "felony" in the 16th line of the 17th section, "And if any officer charged with the disbursement of public moneys shall accept or receive, or transmit to the Treasury Department, to be allowed in his favor, any receipt or voucher from a creditor of the United States, without having paid to such creditor, in such funds as the said officer may have received for disbursement, the full amount specified in said receipt or voucher, every such act shall be deemed to be a conversion by such officer to his own use of the amount specified in such receipt or voucher."

Mr. J. R. INGERSOLL was understood to say he had thought this independent treasury had left in it nothing to commend it to respect; and that were it not for the respect he entertained for his friends and colleagues on the Committee of Ways and Means who favored it, he should not have felt himself called upon to address the House. He should not participate in the discursive remarks which had been thrown out. He was willing to accord to the gentleman from Georgia, and other gentlemen, much credit for their full and lucid investigation of the proceedings of the 27th Congress in their repeal of the sub-treasury system. But their friends of the present majority ought to recollect that great trees are long in growing to their height, but they are cut down in an hour; and therefore no equal imputations or complaints could as justly be made against a

party who, when satisfied of the errors of a system, raze it to the ground speedily as against that party which should build up a system, in its nature and character extremely complicated, without allowing ample time for its investigation even by those favorable to it. They should recollect also the denunciations on their part against the "hot haste" of the Whig party in the repeal of this law, and the success with which they made these appeals; and beware how they followed what they successfully pointed out as an evil example.

Mr. I. proceeded to show that there were objections to this plan which were fully adequate to counterbalance all the suggestions in its favor. He referred to the report of Mr. DROMGOOLE accompanying this bill, in the last Congress, directing many of his remarks to a reply to positions therein laid down; and he said if the views taken by the gentleman in that fair and able argument were correct, there was much need of such a system; but he considered some of them erroneous.

His first objection to this plan of an independent treasury was, that it was altogether unnecessary. Everything contained in the twenty-six sections of this voluminous bill was substantially contained in the act of 1789 organizing the Treasury Department of the United States. He explained the provisions, checks, and securities upon the treasury provided in the fourth section of that act, and applauded the admirable wisdom displayed in this epitome of financial regulations. There was nothing in this bill of a broad, expansive, statesmanlike character; it was at best but an incident; it builds up, it establishes nothing. It provided that all dues to the United States should be paid, from and after June 30, 1846, in gold and silver coin only. Gold and silver were valuable in their proper place, but no civilized nation had ever made them the exclusive medium of circulation, and it was utterly impossible that it should be done. He cited some practical cases in which bills of exchange or other currency are much more convenient and valuable than the precious metals; those concerned should be left at least to choose for themselves. He reverted to the state of the country during the forty years' existence of a Bank of the United States, and said the prosperity of the country was infinitely augmented through its instrumentality; and he controverted the correctness of a remark in the report of Mr. DROMGOOLE relating to the "embarrassments, revulsions, ruinous explosions," &c., of the Bank of the United States, averring that the Bank of the United States never had an explosion or revulsion, with the exception of a brief period after its establishment; and that it lived and died in great and glorious prosperity, and paid the Government of the United States, at the extremity of its period, all the friends of the Government desired it to pay.

Some conversation passed between Mr. JONES, of Georgia, and Mr. INGERSOLL, on this

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point. The substance of Mr. JONES's inquiries being, Whether the Bank of the United States, chartered in 1816, would not, in 1819, have been prostrated and ruined by the speculations of its directors and stockholders, had it not been for the intervention of the Secretary of the Treasury of the United States, who placed the funds of the Government at its control? And was not the Bank ruined from similar causes when, carried into Pennsylvania, it did not have the funds of the Government?

Mr. INGERSOLL replied to the first inquiry, that he could not undertake to speak of a temporary embarrassment at the particular period referred to; but he did say that, during its whole period, no ruinous revulsions or embarrassments took place in its concerns; that it discharged in the best manner the duties of a financial institution for the Government, exerted an influence in the highest degree beneficial to the people, and died in great and glorious prosperity. With reference to the second inquiry, he considered that there was no analogy between the State institution of Pennsylvania, called the Bank of the United States, and a national bank; and that its disaster arose from the error of its managers undertaking under a State charter to carry on the immense machinery of a stock of \$85,000,000, and from other errors and indiscretions.

Mr. I. stated several further points of objection he had to this bill, and detailed reasons which led him to the conclusion that we were better off under the existing law than under this bill, if passed; and that a Bank of the United States, under proper provisions and regulations, would furnish a far cheaper, easier, safer, and more natural instrumentality for the transaction of the financial affairs and the security of the Treasury of the United States.

Mr. I. E. HORTON said this was a grave question. It affected the currency and affected cotton—one of the essential interests of the country. The bill proposed to collect the revenue in specie, and, therefore, it was urged it would abstract so much from the currency, and from the ability of the country to carry on its business. The business of the country, in a practical point of view, was divided into two classes: one consisted in the application of capital to labor; the other was a species of application that tended to the destruction of the interests of labor. What was the banking system, which had been so much lauded by the gentleman from Pennsylvania, who had just spoken? It was a system of immense potentiality, and its value depended upon its management—the nice adjustment and adaptation of its powers. He admitted that it had, in some respects, been valuable; that it had developed the energies and promoted the enterprise of the country. It said to labor, "We will give you the currency in which you are to be paid, but we will give you no standard by which you can estimate its value." By this system labor was regulated by secret councils,

held in bank parlors, whose effect on the currency was as sudden and magical as the touch of Aladdin's lamp.

Look to the operations of the United States Bank, an institution which he did not wish to say any thing to the disparagement of, for in some respects it had been a valuable institution, and it would be seen that it would require superhuman virtue to regulate its concerns in a safe manner. The Bank was possessed of a capital that overshadowed all other banks, and it controlled the banking operations in every State of the Union. Other banks were perfectly indifferent as to the basis of specie. They looked to the great central institution, supposing that it would look to the exchanges, and see that the proper portion of specie was kept in the country to maintain the paper currency.

The Bank supposed that its credit would enable it to regulate the exchanges, not only in the United States, but in Europe, and also the East Indies. Its bills were substituted for specie in the purchase of teas and silks in China. But the Bank was obliged to transmit specie to meet the bills, not indeed to China, but to their agents in London—the Barings. No specie was apparently used in this trade, while in fact it was going out of the country every day. The specie continued to go out, until the amount in the country was reduced to six millions. The Bank drew upon all the other banks, till it had exhausted them. The local banks felt easy, because the United States Bank was supposed to have the means of protecting the paper currency.

The local banks were issuing three dollars in paper for one in specie; but, instead of specie, they had the notes of the Bank of the United States. Men rushed into speculations of the wildest kind, and there was no standard of the value of labor; for it rose and fell with the facilities of obtaining bank paper. The paper of the United States Bank was the basis of the operations of all the others. The wreck was universal, and property was sacrificed, and thousands were ruined. The convulsion shook the country to its centre, and it required years to recover from its effects.

Now what was it proposed to do by this bill? He cared nothing for the measure, as one for the safety of the public money merely. The Government was not made to preserve and guard the money of the people, but to protect their interests—to protect the interests of labor. This measure would make it imperative on the banks to keep such a quantity of specie as would answer the demands of the country. It would be eternally demanding of the banks more or less specie. True, there would never be more than eight or ten millions wanted at any one time from the banks; but the knowledge that they were liable to be called upon would induce them to retain such a portion of specie as would sustain their paper issues. It would render the banks continually jealous of their credit; it would make them Argus-eyed in watching each

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other—in watching the ingress and egress of the precious metals. By these multiplied guards, it would be rendered certain that the banks would never be left without a sufficient sum in specie.

The banks will be compelled to make continual statements to their own stockholders, and to have a board of comparison, as in England. What would be the effect of this system? Would it stop the business of the country, as the gentleman from Pennsylvania had said? The whole sum at any one time in the treasury would not exceed eight or ten millions; and the system would aid the business of the country by checking imprudent and rash speculation. As to mere safety, he believed the public money would be as safe in the banks as anywhere. The penalties were not, however, more severe upon the banks than upon the sub-treasurers.

The whole question was, Whether a country, with so many States, independent of each other and of the General Government, as to the issues of paper, ought not to establish some check upon the issues of paper, and enable the people to have some standard by which to regulate value?

WEDNESDAY, April 1.

*The Independent Treasury.*

On motion of Mr. DROMGOOLZ, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. DANIEL, of North Carolina, in the chair,) and resumed the consideration of the bill to provide for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue, and of the amendments thereto pending.

Mr. GRIDER was entitled to the floor; but yielded for a moment to

Mr. McHENRY, who gave notice that he would, when in order, offer the following amendment:

In section 5, lines 5 and 6, strike out the words "unless sooner removed therefrom," and insert in lieu thereof the words, "if they shall so long faithfully discharge the duties of their respective offices."

• Mr. GRIDER then resumed the floor, and addressed the committee in opposition to the bill. He proposed (he said) to submit a few remarks to show the impolitic and injurious consequences which were to result from its passage.

The gentleman from South Carolina, (Mr. HOLMES,) who had addressed the committee yesterday in favor of the bill, had announced his intention to vote for it because its effect would be to check the over-issue of State banks, and thereby to prohibit a too extended currency. He (Mr. G.) would attempt to show the gentleman that in this respect he was mistaken. In

his liberality and candor that gentleman had admitted that the public money would be as safe under the control and agency of banks as it would be under individual agency. Now, when a gentleman who supported the bill yielded that proposition, he conceded every reasonable ground of opposition, and left no foundation under which it could commend itself to the sober, discreet, and calm judgment of those who intended to legislate for the interests of the country, and not to subserve or carry out the pledges of a party.

The gentleman from Pennsylvania (Mr. O. J. IRENSOLL) had taken a course somewhat different, but less candid than that of the gentleman from South Carolina. The gentleman from Pennsylvania could not see any thing in the bill but what was desirable, and nothing that was objectionable. It seemed to that gentleman to be a measure which ought to pass, as a matter of form, without investigation, and without remonstrance on the part of those who were the Representatives of the people here, and who had their highest interests in charge; for he said that it was merely supplementary to the act of 1789, creating the Treasury Department, and appointing a treasurer for the purpose of receiving and safe-keeping the public money. The gentleman could see nothing that had a party aspect in the bill. As an individual, he (Mr. G.) was always proud to see that, on measures which were to operate on the great interests of the country, gentlemen could come up to the proposition without reference to party results or party pledges. That ought to be, and he presumed was admitted to be, the true basis of wise legislation. But had it not been sufficiently demonstrated yesterday, that the gentleman from Pennsylvania was rather disguising this bill; disguising—if he (Mr. G.) could say so without discourtesy—what in fact and in truth were the prompting motives at this day to the introduction of this measure here?

This bill had had the benefit of the supervision, and had called for the labors of a distinguished, talented, and highly courteous gentleman from Virginia, (Mr. DROMGOOLZ.) But at the same time that there was manifested in it an able, lawyer-like effort, by special pleading, to disguise the true object of the bill, to mask those objectionable features which had caused the country again and again to reject it, still the substance, the object, the intent, and the consequences of it, were to be the same as those which the country had heretofore anticipated from it, the nature and character of which past experience had sufficiently made known.

His own reflections had brought him to the conviction that there was no imperative necessity for the introduction of this bill, except in so far as gentlemen felt bound to redeem their party pledges. This measure was a tried experiment. He apprehended it was not to be passed because of its intrinsic merits, but as



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the last resort of a game of reckless financial experiments, instead of resorting again to that financial agency which had been so long and so successfully tried. It would be seen, on reference to the resolutions passed at the Baltimore convention, that there was one amongst the number dictating the necessity of this bill. That resolution had been endorsed, word for word, by the President in his Message. [Mr. G. read the extract.] With this endorsement there could be no hope as to the rejection of the bill. He (Mr. G.) did not intend to say that the resolutions of the Baltimore convention were imperative, or that they met with even respectful consideration by *all* the members belonging to the Democratic party; for there were many classes of our Democratic friends, and he did not know that all of them came under the denomination of metallic-currency Democrats.

Mr. HARMANSON spoke at some length in advocacy of the bill under consideration, as a measure whose effect would be gradually and surely to drive the paper issues of the banks from the community. He deprecated the influence of these irresponsible corporations in every point of view—political, commercial, social, and moral; and was willing to adopt any measure which would eradicate them from our social system. He would not speak of their influence under a bad Administration—under this, all admitted they were intolerable; but under the best Administration their evils were such as would draw down upon them the universal condemnation of the community if they were made acquainted with it. A fundamental objection to them was, that they usurped what the Government had with the greatest caution reserved to themselves—the power to coin money and regulate its value. The issues were three dollars to one of specie; hence, upon any foreign or domestic demand, in order to save themselves from suspension, they would contract their currency; and that in the ratio of three to one of the demand. Their promises, upon this basis of specie, to pay on demand, were *lies*; it was impossible for them to redeem the promises which they made to three times the amount of their means; and yet the Government was called upon to authorize the manufacture of lies! He denounced the injustice of the special privileges conferred upon the banks of the country, and passed over many other considerations to show the manifold evils of this system, which, as a friend of equal rights and privileges, he unqualifiedly denounced, calling upon his friends to assume boldly this position, and assuring them that when distinctly understood, it would with certainty be approved and sustained by the people throughout the country.

Mr. DANIEL said, the power, and the only power known in this country, to coin and regulate the value of money, was conceded by the constitution to the Federal Government; and there was no doubt that the framers of the

constitution designed the operations of the Government to be carried on in the constitutional currency. The first bill for raising impost and tonnage duties declared that fact in direct and positive terms—that gold and silver only should be received in payment of Government dues. Mr. D. traced the subsequent history of the financial measures and operations of the Government, referring especially to the construction placed upon this provision by Alexander Hamilton, when Secretary of the Treasury—a construction (he said) which no man with a less fertile and ingenious mind would ever have thought of—which interpreted this provision into a prohibition against receiving the bills of credit of the States, and which admitted of authorizing, as he did authorize, his subordinate officers to receive bank paper having thirty days to run. This construction had been practised upon from the time of Hamilton down to the passage of the Sub-Treasury act in 1840. Hence the gentleman from Kentucky, (Mr. GRIDGE,) when he estimated the losses of the Government by individuals at eight millions of dollars, while the losses by banks were but about eight hundred thousand dollars, reasoned on a wrong basis, because the Secretary of the Treasury, Mr. Hamilton, departed from the spirit of the law; and since that time the financial transactions of the Government had been in contravention of its provisions. Instead of keeping the public funds under the direction and control of the Treasury Department, they had been loaned out to banks, and banks had been permitted to use them as their own private funds.

Mr. D. passed over many points in the history of the United States Bank, and of the financial operations of the Government generally, to sustain him in his position that there was not the safety in the custody of the public funds by a bank of the United States, or by State banks, that there was in the provisions of the bill now before them, and which embraced substantially and carried out in greater perfection the provisions of the law of 1789. But why make the issue between the Bank of the United States and the sub-treasury, when at this day none of their Whig friends were found seriously advocating the establishment of a national bank, and when a leading Whig had already declared it an "obsolete idea"? If it were not already, it was at any rate fast becoming an obsolete idea. It might safely be assumed that a national bank is out of the question. What system, then, could be proposed other than the present?

He replied to various objections that had been urged against the bill. The pretence that it would furnish one currency for the Government and another for the people, he considered utterly groundless; as especially, if the system for which he had ever contended, and should continue to contend, were carried into operation, of levying upon the people as small an amount of taxes as possible, and of conforming

the expenditures of Government thereto, the money would be continually coming in and flowing out of the treasury, and never for any length of time more than one and a half or two million dollars would be remaining in the treasury. He denied that it would break down the banks of the country—that portion of them which are regulated and conducted in a proper and legitimate manner; it would be, and ought to be, a restriction upon those which were disposed to go to excesses and to over-issues. It would establish a uniform currency, and would thereby tend greatly to the advancement of the laboring interest and all the interests of community, especially that of agriculture, which was so important a one in this nation of agriculturists. The dangers to be apprehended from it as a source of the increase of Executive patronage were far less considerable than those which would result from the establishment of a national bank, whose overshadowing influence was of a nature threatening to the liberties of the people, as he honestly believed.

Mr. WASHINGTON HUNT said that he knew this bill was about to pass, and that it would be a waste of time to argue against it. Still, he would avail himself of the opportunity to say a few words upon the subject. It was the destiny of Mr. Van Buren to stake his political existence on this very measure, and he was overwhelmed by it. It was his fate to be driven from power by it. It was that same destiny which led Napoleon to his Russian campaign; and we were told that even after his defeat he contemplated a renewal of the enterprise. Well, sir, (said Mr. H.,) the fatuity of that design was not more extraordinary than that which led the majority now in power, in this Government, to another attempt to force this measure on the country.

If he viewed the measure only in a party aspect, he would be disposed to defy the majority to adopt this measure. But when he looked at its effects upon the business interests of the country, he was compelled to oppose it. What reason had we now for adopting so radical a change in our policy? The public money had been kept faithfully in the banks. Where was the necessity of any change? It was alleged that public opinion had settled the question in favor of the change. Gentlemen had contended that, because they had been brought back into power, the people had assented to the measure. But this was not so. They had obtained power in spite of that policy, and not in consequence of it. It had been a clog to their feet, and an obstacle in their path. Whenever it was made a question before the people, it was found to be odious to them. It was not a prominent and leading issue in the canvass. He knew something of the party working by which an expression of opinion in favor of this measure was obtained. He knew that clubs and assemblages of persons expressed opinions which were not participated in by the country at large.

He well remembered the origin of this question; and many who were opposed to it finally gave their assent to it, because the party took it up. It reminded him of the story of the jury, who, when questioned as to their verdict, admitted that but three of them were in favor of the verdict; but the rest assented to it rather than that there should be a disagreement.

Having said so much as to the party aspect of the question, he would speak of its effects on the country at large.

Would it be contended that the sub-treasury was more safe as a depository than the banks? Will the public money be more secure in the hands of sub-treasurers than it was now? In the collection and disbursement of a large sum of money would there be less loss than at present? What was the experience of all on this subject? He would appeal to any gentleman here, whether, if he had a large sum of money to keep, as agent or attorney, he would put it in private hands, or in the vaults of a respectable bank? The common practice and experience of the country settled the question. Many facts had occurred that threw light on the subject. We had been told that the public deposits in the banks were at one time insecure, and we had all witnessed the causes that led to their embarrassment in 1837. It was true that the Government had then a large amount in their hands; but did it prove to be unsafe? Was it more insecure than the public funds that were at that time in the hands of individual receivers and disbursing officers? He had before him a list of two thousand individual defaulters, and the report stated the reasons why the money could not be collected by the Government. The persons in default had gone away, or were insolvent, or were dead; nothing could be got.

We ought to consider the character of the men who, under any party, are likely to obtain offices in times of party excitement. He did not wish to indulge in any party reflections, but we all know that men frequently obtained offices who were entirely unworthy of confidence in business affairs. The defalcation of Mr. Swartwout had been referred to; but that was a case that would occur, even if the sub-treasury were in operation. True, it was not at the time in operation; but the law required that he should put the money in bank. Suppose it had been required that he should deposit it in the hands of the sub-treasurer, would not the same thing have occurred? Would there have been any more security in the one case than in the other? The public money was not lost because the collector deposited it in banks, but because he failed to deposit it in banks.

The collector was required to give a bond with security; but all know that it would be no security. The parties would place their property out of their hands, or they would be found insolvent or unable to pay. All experience showed that there was no security in bonds. But when money was placed in

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banks with a large capital, and in the hands of men of integrity and property, what better security could there be? Sir, in this single view of the question, it appeared to him that there was no reason for a change in the system, and that public money was more secure in banks than in the hands of individuals.

The gentleman from Virginia (Mr. DROMGOOLE) had placed this subject in a more attractive view than ever, and had represented it as a very simple and harmless affair. The gifted intellect of that gentleman enabled him to adorn whatever he touched. But the results which were to grow out of the system had been shown by experience to be prejudicial to the business interests of the country. The gentleman from Pennsylvania (Mr. C. J. INNESOLL) had spoken of the measure as a wonderful boon just given to the world, and which was to put us in advance of all preceding ages; and he wished to take such a part in its accomplishment as would shed upon him a portion of the unfading honor that would attach to all who were connected with it. He had worked himself into a glow of enthusiasm in the description of the blessings which were to result from this boon. What was this boon? What was this mighty benefit to be conferred upon the country? Why, it was to require that the Government should collect thirty millions yearly in specie, and take it out of its usual channels of circulation, where it was necessary for the business of the country. The currency in common use consisted partly of gold and silver, and partly of paper; but this law was to require that the whole revenue should be collected in gold and silver.

Now, sir, was there any possible reason why there should be any difference made between the currency used by the Government and that used by the people? There was no principle of political economy that justified such a difference. He held that the Government ought to use the common currency of the country, and it could do so without any danger. Even if there was more risk in it than was pretended, the Government ought to go on and collect the revenue in the ordinary currency, and in such manner as to be least oppressive. The gentleman from Pennsylvania candidly avowed that he was in favor of the bill, on the express ground that it would prostrate all the banks in the country, and would free the country from banking operations. That was a far better ground than to contend that a mixed currency was not the best for the Government as well as for the people. It was an absurdity to attempt to collect the revenue in specie in the present state of the currency. It would have the effect, as urged by its advocates, to curtail the operation of the banks, and produce a contraction of the currency, and oppress debtors to the banks.

The gentleman from Pennsylvania (Mr. C. J. INNESOLL) declared, among other reasons in favor of the measure, that it would operate to protect the industry of the country, and that it

would enable New England to compete with all other countries in the world. If the currency was reduced, the value of labor would be brought down, till we could manufacture as cheap as they could in Germany. We did not want any such protection as that. It was such protection as the wolf gave to the lamb; and it would bring laboring and industrious men under the control of wealthy capitalists. We had heard the banking system denounced as corrupt and fraudulent. He was no advocate of unsound banks, but of banks that were well managed, and whose paper was convertible into specie. It was the people of moderate means, and who required their aid, who made banks; and through them industry was stimulated, and men of small beginnings were enabled to prosecute business.

When the proposed measure was carried into operation there could be no credit, except what was based on actual gold and silver, and men of large means could control the business interests of the country. Borrowers would be obliged to submit to the exorbitant demands of those who had money to lend. The credit system had done more to promote the interests of men of moderate means than any thing else. He admitted that credit was liable to abuse; and so was every thing else; but if credit was susceptible of abuse, was that a reason why we should denounce it? We had only to look around, and we would see what credit had done for this country. Credit had made all the improvements, all the great communications in the country. We might as well argue against the use of steam, because it was sometimes attended with danger, as against the use of credit. The effect of locking up so much specie must necessarily be to cripple the business of the country.

Mr. H. had another objection to the scheme. It was impracticable. It was found so when it was tried before. He objected to the bill because it would produce a revulsion in commerce, which only asked to be let alone. The country was prosperous under the tariff of 1842; and industry found employment.

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Mr. DROMGOOLE proposed briefly to examine the provisions of this bill, and to inquire whether they were in conformity with the letter and spirit of the constitution, and with the intention of the framers of that instrument—to inquire whether it conforms also to the early legislation and practice of the Government.

This bill might be said to be divided into two parts; the first portion of it, down to the 18th section inclusive, relates to the collection and safe-keeping of the public money; the other portion relates to the medium in which the revenue shall be collected, with some other miscellaneous regulations. He would

not consume the time of the committee by taking each section by itself and reviewing its provisions. He would simply state, however, that it provides for the establishment of a treasury, and for the safe-keeping of the public money through the agency of officers of the Federal Government constitutionally appointed and legally responsible—thereby, so far as the custody of the money is concerned, making a complete separation of the Government from the banking institutions—the irresponsible corporations of the country. It prevents also (while it effects this separation from the banks) the public revenue, from the time of its collection to its disbursement, from being employed in any way whatever by the individuals who have it in their custody, under severe penalties, and proposes faithfully and securely to keep it, to be used at all times when wanted for expenditure for the public service.

The inquiry, then, was, Does such an establishment of the treasury, and such a preservation of the funds of Government, conform to the spirit and meaning of the constitution, to the early legislation of the country, and the practice of the Government? It is clear, from an examination of the provisions of the constitution, that the establishment of a treasury proper is contemplated. The very idea of the collection of duties, of revenue, carries with it and embraces within its meaning a treasury—a place in which this revenue shall be kept until wanted to be used for constitutional purposes. Besides that, there is a provision in the constitution which says that "no money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." Language, therefore, cannot more plainly convey an idea than the meaning and intention of the constitution is that there shall be a treasury thus established; and the provision that it is not to be drawn out of this treasury but in consequence of appropriations made by law, inevitably and conclusively proves that it cannot be immediately used for any purpose: because, once in the treasury, it cannot be taken out or used for any purpose until drawn out for appropriations made by law, and to meet such appropriations. This he considered a brief and candid exposition of the meaning of the constitution.

And now, did the bill conform to the early legislation of the country, both before and after the adoption of the Federal constitution? If gentlemen would turn to the 1st volume of the laws of the United States, they would find the very commencement of an effort to establish a treasury of the United States. Various acts were passed from time to time placing it under the direction of different officers, appointed however by the Continental Congress. Sometimes under a board of commissioners, or a board of directors, under a superintendent of finance, &c., but invariably under the idea that

the money was never to be used and mingled up with private transactions; so much so, that when they first appointed a superintendent of the treasury, Robert Morris, who was at that time engaged in some mercantile and commercial affairs, wrote a letter, which would be found embodied in the laws of the United States, asking whether it would be proper for him, having made these engagements from which he could not release himself, to exercise the office of superintendent; and the Congress passed a special provision authorizing it; but afterwards they passed an act that no person in any way connected with the treasury should be engaged in any kind of business; so great was their precaution against mingling the funds of Government with those of private individuals.

Such was briefly the history of the treasury prior to the formation of the Federal constitution; and soon after that, when the Treasury Department was established, after providing in the fourth section that the moneys should be received and kept in the treasury, and the mode in which they should be paid out, they incorporated in the eighth section of the same act a provision, in conformity with the previous practice and principles of the Continental Congress, that no person concerned in the treasury should engage in any business, &c., [Mr. D. read this provision of the law;] all going to show that the fathers of our Government, both before and after the adoption of the Federal constitution, always kept in view and solemnly intended to guard against the moneys of the Government being used or mingled with private transactions in the intermediate time between their collection and expenditure. This bill, therefore, in that particular, conforms precisely to the constitution, (as I have shown,) and with the understanding of the framers of the constitution.

Is that principle carried out when you deposit the money in banks to use and trade upon? Is not that principle violated? It is not only violated, but you use the public funds for the purpose of favoritism, and for giving corporations and individuals in one section of the country an advantage over corporations and individuals who do not receive this money in other sections; so that the Government itself is made to practise most iniquitous favoritism and injustice. That is the effect, even if the money were in no danger in these irresponsible corporations.

So far from the dispensing with the agency of banks increasing the probability of losses, Mr. D. thought he should be able to show that it would decrease it at least one-third. There was no system which either party ever proposed, which does not contemplate two sets of officers—collecting officers and disbursing officers. Neither a United States Bank nor local State banks can dispense with them. Now this bill proposes simply to retain these two classes of officers, and to dispense with the agency of

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banks; and, in so doing, we avoid the risk of the losses we have heretofore incurred by banks, and to that extent diminish the peril to which the public revenue is exposed. Mr. D. produced statistics to show the losses which have been incurred by banks at different times; and by dispensing with their agency, he said, we would at least avoid a similar peril for the future. From a report made on the 11th of February, 1841, from the Secretary of the Treasury, it appeared that the losses which the Government has at various times suffered from connection with banks, were estimated to amount to the enormous sum of \$15,492,000. A report made to the House of Representatives, April 30, 1830, believed to have been by Mr. McDUFFIE, estimates the aggregate losses from the receipt of bank paper which occurred prior to 1817, at \$34,000,000. And in the report of the Secretary of the Treasury to which he had just alluded, the total loss from 1789 to the *people* (the other was in relation to the Government itself) from the existence of banks and the use of bank paper, is estimated at \$365,457,497. If that had been the loss to the people from the use of different paper, and they could show that by a total disconnection with the banks we should at least improve their condition, while it saved the people from this peril, that of itself would be a recommendation of this measure; and that he should endeavor to show when he came to that branch of the subject relating to the medium in which the revenue should be collected.

But if there were no constitutional objection, the principle that the public revenue can be used for purposes of trade, even if there were no objections on the score of inequality and favoritism, is wholly inadmissible. The effect of taxation in any form is, to take so much from the industry of the people to be consumed by the Government; and if it is to be employed for consumption, and not for reproduction, it is as wise to allow the finances of the Government to be used as a capital in trade, as it would be for an individual to take \$100, which he knew he must expend, and consider it so much capital invested. The effect was, whenever your bank proceeds to trade upon so much of the revenue of the Government as it is allowed to use as its capital—whenever it becomes necessary to withdraw it, or transfer it from that point to another, to the extent upon which trade rests upon that basis, you withdraw the basis, and it topples down, and its influence is felt not only by those immediately concerned, but to a large extent by other trade and business connected with it. But he had not time to elaborate this principle further.

Mr. D. next proceeded to the provision of the bill which proposed to return to the constitutional standard—to the collection of the revenue of the Government in gold and silver—of which his worthy friend (Mr. DAVIS) complained in such dolorous terms, as calculated

to produce shock, ruin, and revulsion, and to drain the thirty millions of dollars out of the banks all at once. He would endeavor to show, first, that the collection of the revenue in gold and silver is strictly enjoined by the constitution, and that we cannot depart from it without violating that instrument; and next, that it would produce no such deleterious consequences as his honorable friend intimated. Among the powers conferred by the constitution upon Congress is the power "to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures." He called particular attention to the fact of the enumeration and classification of the power "to coin money and regulate the value thereof," with the power to "fix the standard of weights and measures," showing that it was considered as necessary to regulate the standard of value as of weights and measures, and that it was designed, too, that they should be uniform throughout the Union. The only money power given by the constitution to Congress, is to coin money and regulate the value thereof, and of foreign coin." That, taken in connection with a prohibition of the constitution, and with the history of the formation of the constitution, shows, as nearly as moral and political truth can arrive at a mathematical certainty, that the framers of the constitution intended, so far as the Government is concerned, totally and absolutely to exclude every species of paper currency. The provision he alluded to was that which prohibits any State from making "any thing but gold and silver coin a tender in payment of debts," and forbids them to "emit bills of credit." And the Federal Government was equally prohibited from issuing bills of credit, for the failure to enumerate powers to be conferred upon the General Government, is as absolute a prohibition as an express prohibition against the States, because all the powers vested in Congress are enumerated. But to make the matter more clear, and to put it beyond doubt, he begged leave to refer briefly to the debates which took place upon this feature of the constitution. The constitution, as originally proposed, after the power to borrow money, was drawn up so as to give Congress also the power to emit bills upon the credit of the United States, and the debate upon this subject would show that all those who either advocated the striking out that proposition or retaining it, went on the ground, that the retaining it would confer the power upon the Federal Government to issue a paper currency, and the striking it out was understood to be an absolute prohibition of a paper currency.

[Mr. D. read from the debates in the Convention to establish this point.]

Thus he had endeavored to show that the constitution did not permit the Government to acknowledge or to use any other medium than gold and silver, and that it was the intention

of the framers of the constitution totally to exclude paper currency from the Federal Government.

But it was said that this system was a war upon banks. So far from its being a war upon banks, it was an act of non-intervention, an act of neutrality. When you select deposit banks by selecting one set and making them favorites, by giving them the advantage of the public funds, you in fact make war upon others who have not this advantage. But the patronage of Federal officers—what was it to compare with the officers who would be under the influence of this league of State banks, and whose selection would be made by the heads of these banks, managed as they are by merchants, politicians, and speculators? The small patronage (with which you cannot dispense) in the appointment of receivers and disbursing officers sinks almost into insignificance in comparison with this vast influence of State institutions over their officers, amounting to thousands of individuals.

He had only time, with reference to the objection that had been made that this bill would have the effect to make two kinds of currency, to say that this bill would not make any currency; the currency both for the Government and for the people is gold and silver; if there is any worse currency, this bill is not to blame, nor the constitution; it is the vicious legislation of the States. We propose in this bill not to interfere with them; we go on the principle of non-intervention and of State rights.

He also barely alluded to the cost of exchanges. It could never considerably exceed the actual cost of transportation of specie, and that, with the increased facilities of intercommunication, was very small. And as to the aid of Government in exchanges, the Government had no more right to furnish him with a facility of getting his funds from New Orleans, than to furnish him with a wagon or cart to carry his produce to market. Therefore this bill did not propose to interfere with exchanges. Whenever they became deranged, they would be regulated under the natural operation of the laws of trade, better than by any interference of Government or of banks.

We should pass this bill, (said Mr. D.,) and that by a triumphant majority. He paid a high tribute to the far-seeing patriotism and consummate ability displayed by Mr. Van Buren in his recommendation of this system in his Message at the called session of 1837. How gratifying (continued he) must it be to that eminent statesman in retirement, to see that his principles have at last triumphed. It is due to the constitution, from whose principles we have so long departed—it is due to the majesty of the popular will—it is due to our own honor and principles—faithfully to reflect the sentiments of our constituency, who at last have expressed themselves so loudly upon it. With these considerations, it is predestined that this bill should pass by a triumphant majority in

both branches of the legislature; and it is a gratifying reflection that it is a measure which brings together in harmonious and patriotic co-operation the whole Democratic party—a unanimity and co-operation which he believed to be a bright harbinger of the harmony to be exhibited on all future occasions.

Mr. PERRY demanded the previous question; which was seconded.

And the main question was ordered.

The yeas and nays thereon were demanded and ordered.

And the main question, "Shall this bill pass?" was then taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Stephen Adams, Anderson, Atkinson, Bayly, Bedinger, Benton, Biggs, Jas. Black, Jas. A. Black, Bowlin, Boyd, Brinkerhoff, Brockenbrough, Brodhead, Wm. G. Brown, Burt, Cathcart, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Collin, Constable, Cullom, Cummins, Cunningham, Daniel, Dargan, Jefferson Davis, De Mott, Dillingham, Dobbin, Douglas, Dromgoole, Dunlap, Ellsworth, Faras, Ficklin, Foster, Fries, Garvan, Giles, Goodyear, Gordon, Grover, Hamlin, Haralson, Harmanson, Henley, Hoge, Isaac E. Holmes, Hopkins, Hough, George S. Houston, Hungerford, James B. Hunt, Hunter, Charles J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Preston King, Leake, Leib, La Sere, Ligon, Lumpkin, Maclay, McClean, McClelland, McClermand, McConnell, McCrater, Joseph J. McDowell, McKay, John P. Martin, Barkley Martin, Morse, Moulton, Nevin, Owen Parrish, Payne, Pettit, Phelps, Price, Rathbun, Reid, Rhett, Roberts, Sawtelle, Sawyer, Scammon, Seddon, Alexander D. Sims, Leonard H. Sims, Simpson, Thomas Smith, Robert Smith, Stanton, Starkweather, St. John, Sykes, James Thompson, Thurman, Tibbatts, Tredway, Wentworth, Wheaton, Wick, Williams, Wilmot, Wood, Woodruff, Woodward, Woodworth, Yancey, and Yell—122.

NAYS.—Messrs. Abbott, John Q. Adams, Arnold, Ashmun, Barringer, Bell, Blanchard, Milton Brown, Buffington, William W. Campbell, Carroll, John G. Chapman, Cocke, Collamer, Oranston, Crozier, Calver, Garrett Davis, Dixon, Dockery, John H. Ewing, Edwin H. Ewing, Foot, Gentry, Giddings, Graham, Grider, Harper, Herrick, Hilliard, John W. Houston, Samuel D. Hubbard, Hudson, Washington Hunt, Joseph R. Ingersoll, Daniel P. King, Thomas Butler King, Lewis, Long, McGaughey, McHenry, McIlvaine, Marsh, Miller, Moseley, Pendleton, Pellock, Ramsey, Julius Rockwell, John A. Rockwell, Runk, Schenck, Severance, Truman Smith, Albert Smith, Stewart, Thibodeaux, Thomasson, Benjamin Thompson, Tilden, Trumbo, Vinton, White, Winthrop, Wright, and Young—66.

IN SENATE.

FRIDAY, April 8.

*The Ashburton Treaty.*

Mr. WEBSTER asked for the reading of the Message which was received from the President.

The message, which was in reply to a reso-

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lution introduced by Mr. WEBSTER calling for certain correspondence relative to the Ashburton treaty, was then read.

Mr. WEBSTER wished to say, that in the course of the discussion upon the Oregon question, observations had been made, from various quarters of the Senate, in disparagement of the treaty of Washington of August, 1842. It was my fortune, (continued Mr. W.,) whether for good or evil for my country and myself, to have a hand in the negotiation of that treaty. It was much discussed before the Senate, and that discussion was made public. In returning here again, sir, through the favor of the Commonwealth of which I am a citizen, nothing was further from any purpose of mine than to revive, or to reconsider, or to discuss over again any of the questions connected with that treaty. There have been sentiments expressed by Senators here very unfavorable to that treaty, but sentiments which of course gentlemen have a right to express. The President of the United States at the time, and myself as Secretary of the Department of State, have been concerned in a transaction which has been submitted to the Senate, which was properly before the Senate, and was a fit subject for discussion in the Senate. Nobody ever heard, or ever will hear, a word of complaint from me of any thing said by any Senator in his place on that occasion. But since I have come here again, and, in the discussion of the Oregon question, allusions have been frequently made by way of disparagement to that treaty in many particulars, I have not thought it my duty to forbear a proper and just vindication of the treaty, as well for myself, who bore a secondary part in it, as for the then President, who gave it his sanction and submitted it to the Senate.

It is my purpose, therefore, with the leave of the Senate, to trespass, I hope not too long, on its indulgence, as soon as I may have an opportunity, and to take occasion to reply to the allusions which have been made in this debate to the treaty of Washington.

It was with this view that I proposed to the Senate a call for certain correspondence respecting the north-eastern boundary which has not been published. I believe, in point of fact, that my call did not extend so far as to embrace every unpublished fact in the case; nevertheless, it extended far enough for my purpose. The answer from the President, together with the documents asked for, are now in the hands of the Secretary of the Senate, and my purpose is to move that they be printed for the use of the Senate and distributed; and, if the Senator from South Carolina conclude his remarks to-morrow, it is my purpose to take up the subject to which I have referred, and detain the Senate for one hour upon it on Monday.

MONDAY, April 6.

*The Washington Treaty.*

Mr. WEBSTER rose and said: It is altogether unexpected to me, Mr. President, to find it my duty here, and at this time, to defend the treaty of Washington of 1842, and the correspondence accompanying the negotiation of that treaty. It is a past transaction. Four years have almost elapsed since that treaty received the sanction of the Senate and became the law of the land. While before the Senate, it was discussed with much earnestness, and very great ability. For its ratification it received the votes of five-sixths of the whole Senate—a greater majority, I believe I may say, than was ever before found for any disputed treaty. From that day to this—having had a hand in the negotiation of that treaty, and feeling it to be a measure with which my own reputation was intimately connected—I have been willing to leave it to the judgment of the nation. There were, it is true, sir, some things of which I have not complained, and do not complain, but which, nevertheless, were subjects of regret. The documents accompanying the treaty were voluminous. They were not published to any great extent. The treaty itself got before the public improperly and by piecemeal. We know that it is unhappily true, that away from the large commercial cities of the Atlantic coast, there are few of the public prints of the country that publish documents on such an occasion to any great extent. I might have felt a natural desire, that the treaty, so much spoken against, and the correspondence, so much complained of, could have been known and read by every one of my fellow-citizens from east to west, and from north to south. But it was impossible. Nevertheless, in returning to the Senate again, nothing was farther from my purpose than to renew the discussion of any of the topics discussed and settled at that time; and nothing was farther from my expectation than to be called upon by any sense of duty to my own reputation, and to truth, to make any observations upon the treaty, with the correspondence. It has now happened that in the debate on the Oregon question, the treaty, and, I believe, every article of it, and the correspondence accompanying the negotiation of that treaty, and, I believe, every part of it, have been the subject of disparaging, disapproving, sometimes contemptuous remarks in one or the other House of Congress. Now, with all my indisposition to revive past transactions and make them the subjects of debate here, I suppose that it could hardly have been expected by anybody that I should sit here from day to day, through the debate, and through the session, hearing erroneous statements, entirely erroneous as to matters of fact, and deductions from these supposed facts quite as erroneous, all tending to produce unfavorable impressions respecting the treaty, and the correspondence, and everybody who had a

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hand in the treaty. I say, it could hardly have been expected by anybody that I should sit here and hear all this, and keep my peace. The country knows that I am here. They know what I have heard, again and again, from day to day; and if statements of fact wholly incorrect, are made here, in my hearing, and in my presence, and no reply and no answer from me, why, shall we not hear in all the contests of party and elections that this is a fact, because it has been stated where and when an answer could be given, and no answer was given? It is my purpose to give an answer.

Mr. President, in the negotiation of 1842, and in the correspondence, I acted as Secretary of State under the direction, of course, of the President of the United States. But, sir, I shrink not from the responsibility of any thing I have ever done under any man's authority. Wherever my name stands, I am ready to answer it, and to defend that with which it is connected. I am here to-day to take upon myself—without disrespect to the Chief Magistrate under whose direction I acted—for the purposes of this discussion, the whole responsibility of every thing that has my name connected with it in the negotiation and correspondence.

Sir, the treaty of Washington was not entered into to settle any—or altogether for the purpose of settling any—new arising questions. The matters embraced in that treaty, and in the correspondence accompanying the negotiation of that treaty, had been interesting subjects in our foreign relations for fifty years—agitating and annoying the councils of the country for fifty years. And my duty, then, in entering upon such remarks as I think the occasion calls for in regard to one and all of these topics, will be to treat the subject, in the first place, historically—to show when the subject arose—what has been its progress in the diplomatic history of the country; and especially to show in what posture each of those important subjects stood at the time when William Henry Harrison acceded to the office of President of the United States. That is my purpose. I do not intend to enter upon any crimination of gentlemen who have filled important situations in the Executive Government in the earlier history of the country, and in the more recent history of the country. But I intend to show, in the progress of this discussion, the actual position in which things were left in regard to the topics embraced by the treaty, and the correspondence attending the negotiation of the treaty, when the Executive Government devolved upon General Harrison.

Now, sir, the first of these topics is the question of the north-eastern boundary of the United States. The general history of that question, from the peace of 1788 till this time, is known to all public men of course—pretty well understood by the great mass of informed men

throughout the country. I shall allude to it but briefly.

Here Mr. WEBSTER proceeded to present a condensed statement of the history of the negotiations touching this north-eastern boundary, from the earliest period down to the commencement of Mr. Van Buren's Administration, in order to show that the question was one of inherent difficulty, in which no Administration had made any progress towards a settlement. Not one had advanced a single step towards such a result. General Jackson had expressed his hopes that the question would be settled, but he had effected nothing towards a settlement. Mr. Van Buren, in his first Message to Congress, represented this question, in point of importance, as transcending any other question connected with the foreign relations of the country, and expressed his ardent hope that it might be speedily settled. He (Mr. WEBSTER) would show that when Mr. Van Buren went out of office, he left the question quite as far from settlement as he found it, and a little farther from it. In his humble judgment, if any advance was made, it was an advance backward; by which he meant to say, that when Mr. Van Buren went out of office, the question had become so complicated, by successive series of diplomatic correspondences and arrangements, that there was a mesh—an entanglement—about it, which rendered it far more difficult to proceed with it than if it had been an open and fresh question for diplomatic correspondence. In order to establish these assertions, he would be obliged to ask the patience of the Senate to indulge him in something more of reference to documents than was his custom in public debate; because his desire was to present to the country, if he might, as well as to the Senate, the grounds and reasons, drawn from the history of the country, of what he might now have an opportunity to say. Mr. W. then went on to quote from Mr. Van Buren's second Message; the diplomatic correspondence between Messrs. Fox and Forsyth, in Senate document No. 819, 2d session 25th Congress; Senate document No. 508, vol. viii, 1st session 26th Congress; Mr. Van Buren's Message, December, 1840. From this historical sketch of the diplomatic correspondence between the two Governments during the Administration of Mr. Van Buren, he (Mr. W.) contended that the whole question was brought into as pretty a little diplomatic entanglement as any one might choose to look upon of a summer's day—one which would have taken Richelieu, Talleyrand, Nesselrode, and Metternich, to have unravelled. Such, indeed, was the deplorably confused and complicated state of the question; such the utter hopelessness of adjustment—constantly receding, until they would soon have lost sight of each other—that Lord Palmerston declared that he had not the slightest expectation of a settlement till there would be a change in the Administration of the Government of the United States.



[1st Sess.]

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When Mr. Van Buren sent in his last Message to Congress on the subject, General Harrison was elected. A great struggle was then going on between the great political parties in England; but Lord Palmerston, mindful of his official duties to the last, sent over new proposals, with his objections to the counter draft of Mr. Forsyth—all the seventeen articles of which he rejected, with the exception of a single one. This, therefore, may be called one step towards a settlement.

In August, 1840, Mr. Forsyth had sent in his counter project, suggesting exploration and arbitration. No answer from Mr. Fox was to be found on the files of the Department; but the contents of a letter from Lord Palmerston to Mr. Fox were disclosed in a debate in the British Parliament. It had been thought useless to communicate this letter to the United States while Mr. Van Buren remained in office.

This was the style in which the Whigs in England, and Mr. Van Buren here, left this question.

That was the state of the controversy at the death of General Harrison—an occurrence which he very much regretted on public account as well as personally. He (Mr. W.) came to the conclusion that it was worse than useless to persist in that form of settling the question. As far back as 1838 Mr. Van Buren wrote to the Governor of Maine in reference to the sentiments of the people of Maine. He (Mr. W.) saw the difficulty of calling on the State of Maine to agree to an arrangement by which she should part with territory and jurisdiction; and that consent was required beforehand. But he confided in her, that she would do all that patriotism and a sense of duty required; and unless some change in the course of negotiation was made, it was hopeless to expect to settle the question in any reasonable time. It had been said a hundred times that Maine was coerced into an agreement; but that was absurd; for no conventional line could be agreed upon without her consent.

Mr. W. then proceeded to show the grounds upon which the suggestion was made through Mr. Fox to the British Government, that the true way to settle was by compromise and a conventional line, and read a letter addressed to the Department of State from Mr. Everett; also a letter from the Department of State in reply. When it was learned that Lord Ashburton was coming, with authority to settle that and other questions, the United States Government saw the necessity of getting the States to consent to a conventional line. The Legislature of Massachusetts was then in session at Boston, and the Governor recommended the adoption of resolutions in favor of the appointment of commissioners to represent Massachusetts, which had an interest in the dispute to the extent of the lands claimed by her—Maine certainly having a much more peculiar and delicate interest, as not only territory, but the right of Government was hers.

A letter was addressed from the Department of State to the Governments of those two States, drawing their attention to the true state of the question. Mr. W. here read a portion of this letter, and observed, that, on receipt of that letter, the Governor of Maine, now an honorable Senator there, (Mr. FAIRFIELD,) acted promptly, assembled the Legislature of Maine, and laid the communication before them.

Mr. W. here read a series of resolutions passed by the Legislature of Maine in response to the communication. The State of Maine, he said, was invited to consent to a line of compromise for equivalents and fair considerations; and, as she sent her commissioners to Washington, and through them assented to all that was done, it was absurd to complain of that treaty. But there were those who thought themselves better able to take care of Maine than Maine herself—who had it constantly in their mouths that Maine was robbed of a portion of her territory, and coerced into compliance; but the fact was, that four of her most distinguished citizens, who were invited to come and make a compromise, and who did so understandingly, gave their consent; and well they might, as they gained several substantial advantages. Mr. W. here entered into a minute statement of the difficulties of running the line of boundary 700 miles in length. He stated the various points in dispute, and said one of the principal difficulties was, that Maine, Massachusetts, and New Hampshire, owned all the territory on one side, whilst the United States owned none—each of the three States having an interest in the matter to the extent of their territory. The difficulty was, to please all. It was not to be expected by the Maine commissioners that they were to give up nothing; they could not hope to gain new advantages, and at the same time be left in possession of all they claimed. How could they call that compromise? Maine expected nothing of the kind. There were people who said, in her behalf, that she was deprived of a vast tract of valuable territory. Not a word of truth was there in that. Such persons were more careful of the interests of Maine than she was herself; and in that whole State there would not be found ten intelligent, candid men, who would complain, who ever did complain, or who at this moment would be willing to place Maine as she was, in possession of her wilderness, at the cost of the navigation of the St. John, and the other solid advantages derived from the treaty. The whole proceeding on the part of the United States was thus far wise, discreet, and proper. It was wise to endeavor to put an end to the almost interminable diplomatic correspondence about arbitration and exploration, and which had baffled every preceding Administration. It was settled, however, and settled without any thing being done indiscreet, improper, regardless of the rights of Maine, or unpatriotic, and he thanked God that it turned out to be so successful. But how stood the

account with Maine, about whose loss so much miserable talk had been used? She had parted, it was true, with a portion of land, but what was it worth? He did not mean to undervalue it. It had been, like Oregon, held up as another El Dorado. The truth was, it was almost entirely worthless, and, as a friend of his just suggested to him, at that moment it was covered with five feet of snow. Mr. W. here read a description of the country from Captain Tompkins's report. With that portion of land Maine had parted by her own consent, for which she received, in the first place, from the treasury of the United States, \$150,000, its estimated value—a sum greater than she could make of it in fifty years. In the next place, the Government of the United States agreed to pay the expenses of her civil *posse*, and the expenses of her survey, which was \$200,000, and she hopes to receive \$100,000 more; so that Maine got \$450,000 in cash. Along with this, she acquired the navigation of the St. John, one of the most respectable rivers of North America, and which, as a channel of navigation, he (Mr. W.) confessed he had much underrated. Much had been said of the navigation of the Columbia, but the St. John, was worth a hundred of it. It was a river with a mouth to it, and he believed his friend from Arkansas (Mr. SEVIER) did not think a river any thing without a mouth to it. It was navigable to the ocean, and its sources touched the very finest portions of Maine, among the rest the valley of the Aroostook. It gave them the means of floating the fine timber found on the Alleghash, the St. Francis, the Madawaska, &c., to the ocean; and he would confidently say the value of that far exceeded the value of the furs sent down the Columbia to Vancouver's Island every year.

Mr. W. here quoted the authority of a gentleman from Missouri, now in this city, to the effect that the annual value of the fur trade to the Hudson Bay Company was \$800,000; and also cited the authority of Mr. McGregor, of the Board of Trade in England, to show that the value of the fur trade of the Hudson Bay Company, west of the Rocky Mountains, was but \$188,000 annually; and of this, only \$20,000 worth were sent down the Columbia to Vancouver's Island. From that it was clear that the right to carry down the St. John the raw and manufactured articles, the timber, and the agricultural produce of Maine, was incomparably more valuable than the vaunted navigation of the Columbia; and he thought the commissioners of Maine were right, entirely right in considering that they had made an important acquisition in the navigation of the St. John.

There was another class of objections to which he wished to say a few words. It had often been suggested that this arrangement of the north-eastern boundary question had given England an important military advantage, in a road connecting the Province of New Bruns-

wick with that of Lower Canada, and in a range of heights which are considered important as a point of military defence; and the Senator from New York, (Mr. DIX,) who had addressed the Senate at length some days ago, had said that, by the treaty of Washington, a military road was surrendered to Great Britain which she considered of vital importance.

Mr. DIX observed that he had not used the term road. What he had said was, that a portion of territory was ceded to England which she deemed important as a connection between Canada and the lower Provinces.

Mr. WEBSTER continued. He referred to the speech of Mr. DIX, from which he read the passage referred to. The gentleman had spoken of a military communication, if not a military road; and they meant pretty much the same thing. He was not a military man, it was true; but he would be happy to be corrected if he was wrong. And he also would be much pleased if the honorable Senator would show how that gave to England a vital advantage, or how she could consider it as of any importance at all.

Mr. DIX said he would with pleasure answer the question which the Senator from Massachusetts had propounded to him. He desired to say in the first place, that he had not examined the subject of the treaty of Washington critically. That treaty was published, as he believed, under the President's proclamation in the latter part of the year 1842, and the injunction of secrecy was not removed from the debates until then. He had just left the country, and was absent two years. He had, however, not lost sight entirely of things at home, and he had some decided, though perhaps not very distinct recollections of the subject. He recollected having read while abroad the debates in the British Parliament in relation to it. He was struck with the declarations of some of the distinguished men who took part in the debate; and he believed he was sustained by them in saying that we had ceded to Great Britain "a portion of territory which she deemed of vital importance as a means of military communication between the Canadas and her Atlantic provinces."

With regard to the military road the Senator had referred to, he had himself made no allusion to one. He understood, however, that there was such a road, and that it followed the east bank of the St. John. If the award of the King of Holland had been accepted, that road would have been forced to the north of the head-waters of the St. Francis. Our boundary under that award would, he believed, have been the river last named to its source, and then a range of highlands running nearly parallel to the river St. Lawrence, and approaching at some points within twenty miles of it, bringing us within a very short distance from Quebec. Our boundary under the treaty of Washington was a line drawn from Lake Pohenagmook several miles to the eastward of the

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mountain chain referred to, and driving us back to a greater distance from the St. Lawrence. It was to this strip, between our present boundary and the highlands, that he had alluded, as the territory which Great Britain deemed as of vital importance to her as a means of military communication between her Atlantic and inland provinces—not because there was a road on it, but because it gave a continuity of territory where she most desired it. Mr. D. read a few extracts from the debates in the British Parliament, to which he had alluded, in illustration of what he had said.

Mr. WEBSTER resumed. The passage read by the honorable gentleman, however pertinent to another point, did not touch the point to which he (Mr. W.) had desired to call his attention. He very well understood what passed in the British Parliament on one side and the other, touching the heights. But the question at present was with regard to the military communication between the two provinces. In the debates in the British Parliament, no one spoke of that as being of the slightest importance; and he was induced to draw the attention of the Senate to this matter, from a circumstance, of which he had been only recently apprised. He might state that Lord Palmerston had declared that every thing of importance in that respect had been given up to the Americans by the treaty. But he (Mr. W.) was not going to judge of this question by the opinion of those on the other side of the water. If his object was to defend the treaty on the authority of Lord Palmerston, he might say at once that the gentleman had repeatedly called the treaty the "Ashburton capitulation." He insisted that it had given up every thing; and that, so far from any thing having been gained by England, every single stipulation of the treaty was to the advantage of the United States, and the disadvantage of England. So far as the judgment and authority of Lord Palmerston went, he (Mr. W.) might content himself with turning to twenty of these same off-hand expressions of his, in the roundest and strongest terms. But, amongst other things, he speaks of this road, and he entirely mislocates it; and within a day or two his (Mr. W.'s) attention had been called to a map accompanying the speech of the honorable member from Missouri, on which this road is marked, in which (perhaps misled by Lord Palmerston's remark, or from an error derived from the same source as that which led his lordship astray) the road was laid down where there never was a road—never could be a road. The actual road that for one hundred years has been passed between the province of New Brunswick and the province of Lower Canada, was the Madawaska route; and no doubt it was very convenient for the English Government to possess the territory north of Madawaska, so that they might have a road where they had been accustomed to have it, in their own territory. But it was only in time of peace that it was a useful

road. In time of war it would be of no value at all, in a military point of view. There was there no pass—no defile. No Government on earth would be foolish enough to build a permanent fort there; because, if such a thing should happen as the passage of troops there, they could go out of the range of the shot. It was useful as a communication, part of the way—as a convenient land communication in time of peace. But did not everybody know—those who were military men as well as not—that unless there be a pass or defile—a strong point upon which a fortress is erected, to be an obstacle in the way of the marching of an army, that, in an open country, a road is in the power of the strongest during war? If the United States should go to war with England, would they not take possession of that road if they thought it worth while? Would they be restrained from taking possession of it by the treaty of Washington? No. The road would then belong to the United States if they could hold it. There was not the slightest reason, then, for supposing that the communication was of the slightest importance in a military point of view, unless that the movement of armaments and men, in time of peace, could be called military operation. But in time of war it would belong to the strongest. It was no pass—no defile—it presented no point of defence—and never would be of the least value as a military communication. Now the road designated on the map to which he had referred was a mistake. It was a mere imaginary line—there was never a road there in the world—and never could be.

As to the other point—the defences of these heights—he could explain to the Senate in a very few words how that matter exactly stood. If they looked at the map they would see that this ridge of highlands did approach near the St. Lawrence—not overlooking Quebec—not so far as that, twenty, or thirty, or forty miles from Quebec. But, of course, it approached the St. Lawrence much nearer than the Atlantic Ocean; and it was true, he knew the fact, not only as stated in the debates in Parliament, but otherwise—that the highest military authority in England, perhaps the highest living military authority, attached great importance to these highlands—why? He (Mr. W.) supposed, in the first place, that distinguished as that high authority was by services in India and Europe through a long life, he may have been led to apply European ideas of convenience and military defence to places in America to which they were wholly inapplicable. Such highlands as these have not been found within the fields of European or Indian warfare. But the main reason was a different one. In 1839, the British Government authorized an *ex parte* exploration and survey by Captain Mudge, an engineer in the British service, and Mr. Featherstonhaugh. They were there two or three months, and two or three months only; and a very extraordinary report theirs turned out to be. He had no doubt that Mr. Mudge was a respectable

person from his standing in his profession; as to Mr. Featherstonhaugh, whom they had known in the United States service, he did not regard his opinion on any subject as worth a straw. But they made that report, and that report contained this singular statement, which caused the military inquiry on the part of England, or the results of that inquiry. It stated that there was a hiatus in these highlands—that the region to the north-east of where the old Kennebec road passed over, was for thirty or forty miles almost a dead level—that the elevation was not over fifty feet at any point. They reported but one trigonometrical measurement which gave upwards of twelve hundred feet. Now, what was the fact? Why, according to the survey of able and distinguished American engineers, that line represented in the report alluded to, as a gap, as a hiatus, as almost a dead level, was found to be a continued series of precipitous ridges and lofty eminences, varying in height from twelve hundred to two thousand feet! But when the report of Mudge and Featherstonhaugh reached England, they were making out Lord Ashburton's instructions, and it was from this utterly erroneous survey that importance came to be attached to that line. But any man of common sense, whether possessed of military skill or not, would see that in point of fact not the slightest importance in a military point of view really attached to the line. They had had the report of their own surveyors. The true military road to Canada was that one by the way of the Kennebec—that was Arnold's track; and below that, or east of it, there was no passage, and there never was a passage, leading to Quebec. The first road east of that was the road he had spoken of by the way of Madawaska, which hit the St. Lawrence one hundred and seventeen miles below Quebec. Well, the United States engineers went there as far back as '88, and the report of General Wool was before him. General Wool said it was altogether idle—that was the amount of his report—to think of fortifying any thing east of the old road to Quebec, because it was a mountainous ridge—a mere wilderness, on which nobody ever thought of passing from Canada or into Canada. Now this military road by which armies have marched and re-marched from New England into Canada is on the line of the Kennebec to Quebec, and was now just as it was found by the treaty. There it was.

But he must go a little further. It had been already said that the treaty was one of convention—of agreement—of equivalents; that it was expected that each party would give something, and that each party would receive something; and he was very willing to meet any man, military or not, in regard to this question, as to whether the United States had derived less advantages, in a military point of view, from this treaty than Great Britain. And it was on that point he wished to address a few words particularly to the honorable Senator from New

York, (Mr. Dix.) He (Mr. Dix) had said that this was a treaty containing a stipulation for the interchange of advantages, and he is of opinion that England supposed that she had attained some military advantages by obtaining a part of the territory; and, to sustain himself, he has read from the debates in the British Parliament. He (Mr. W.) did not think so. He did not believe that the advantages in that respect were worth a rush, or that the United States had lost any. But if it were so, would it not have been fair and candid for the honorable gentleman to have said whether equivalent advantages had not been gained by the United States in another part of the treaty? If it were apparent to the gentlemen that the United States had made a concession which England regarded as of importance to her in regard to this military road—this supposed military road—he (Mr. W.) submitted to him whether it would not have been candid and proper for him to have stated at the same time whether he did not think that the regaining of that point at the outlet of Lake Champlain, did not balance—did not overbalance forty times told, in a military point of view, any thing England had gained in the road alluded to? That is what he (Mr. W.) contended for. He did not complain of any want of candor. He presumed the fact had been overlooked by the Senator from New York. But he did not suppose that any man in the *State of New York* could speak of this treaty as, upon the whole, giving military advantages to Great Britain; that any man could be found so speaking, was indeed to him a matter of utter astonishment. The predecessor of the honorable Senator from New York saw the value of the treaty to his State. It did not escape the sagacity of Silas Wright; he was willing enough for the ratification of the treaty, and well he might be; for how did New York stand affected by it? They knew that Rouse's Point had always been regarded as the key to Lake Champlain—the pass, the defile, the defence between New York and Canada. Well, they had always supposed that that fortress lay south of 45°, that it belonged to the United States. They had purchased the land. They had fortified the place. And when, in 1817 and 1818, it was found, out of the agreement of astronomical gentlemen on both sides, that the line of 45°, run correctly, threw Rouse's Point on the British side, everybody knew that the discovery created considerable discussion and excitement, and nobody better than the honorable member from South Carolina, then connected with the Administration, in the War Department. Rouse's Point was found to be no longer the property of the United States; and when engineers were afterwards sent there to find a point for other fortifications, they made a report that there were only two points, and both further south, on which fortifications could be erected. When the treaty was under negotiation, the opinion of military men was called for as to the value

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of Rouse's Point, in order to ascertain whether it was worth while to pay money for it, for that was what they had to do, not to England, but to Maine, for in that respect the treaty was tripartite; so, indeed, was the whole arrangement. The reports of the military gentlemen all concurred that the natural, and by far the best point, to defend the entrance to the lake, was Rouse's Point. They said anybody, with or without a military eye, could see, if he looked on the map, that Rouse's Point was the narrowest passage; that any vessel passing it would come within point blank range of cannon shot; and that that was not all; that the point projected so far into the lake, that any vessel coming to it from the lake must come head on for several miles, and therefore be for that distance in the direct range of a raking fire from the battery, and in like manner be exposed to the same danger—a raking fire for miles before she could bring her broadside to bear—if coming from Canada towards the lake. They said further, that with respect to the two points to which he had alluded—Windmill Point on one side, and Stony Point on the other—on which it was proposed to fortify, since they had lost Rouse's Point, they would be of little value, as a vessel could pass between, and be out of the range of pointblank shot from batteries erected upon either of them. He therefore—

Mr. DICKINSON here asked if the Senator would inform him whether the Dutch line did not give Rouse's Point to the United States?

Mr. WEBSTER. No, indeed it did not; it gave them a circle running round Rouse's Point, but leaving it in possession of England, and they were told they might take that when they had a mind to! The Dutch line was rejected, and Rouse's Point was not theirs—they did not take the little circle. Did the gentleman understand him?

Mr. DICKINSON. Oh! certainly.

Mr. WEBSTER was glad to hear it. Well, with respect to the points: any vessel passing between them was able to bring her broadsides to bear upon them; and the two forts would have been incapable of rendering each other the least assistance in case of any assaults by land or water. Such was the view presented to them by the military men, and they told them as a matter of military science that Rouse's Point was extremely desirable as a point of military defence. Of one thing he (Mr. W.) was then certain, that the true road to reach Canada in time of war was by the way of Lake Champlain—the old path. He took to himself the credit of making a remark, thirty years ago, which had been alluded to by the honorable member from Michigan, (Mr. Cass.) Thirty years ago, he (Mr. W.) had said, that when an American woodsman wished to fell a tree he struck at the trunk, and did not content himself with lopping off the branches. Now the trunk of the Canadian possessions was Montreal, and the river down to Quebec.

They had found that out in the late war. He was not competent to scan the operations of that war in a military point of view; but he did still suppose that it was rather unfortunate that the war began in Upper Canada, and he did still suppose that it was rather unfortunate that they made any great effort to make an impression in Upper Canada. All the forces—following the precedents of former times—should have been immediately centred on Lake George and Lake Champlain, and a direct movement made upon Montreal. If the glories of the Thames had been lost, others would have been earned in that case, quite as important, in the vicinity of Montreal, and one successful blow struck there—upon the trunk—would have made all above it theirs, of course. Well, then, it seemed to him highly important that the United States should possess Rouse's Point, as affording the best means of defending the exit from, and the entrance into Lake Champlain from Canada; and he affirmed now, that in all the extent of the frontier, of sea and land, lake and ocean, of the great State of New York—next to the Narrows, by which vessels approached her great city—there was not a point so important to her, that she and the Government of which she is a part should possess, as that which commanded Lake Champlain. Everybody knew that, and must know it, acquainted with the history in former years and former wars. He hoped that this Government would last forever. But if it did not—if by any decree of Providence such a calamity as dissolution and dismemberment should come, and New York be thrown back upon her own resources, was there, he asked, a point she could so much desire for her own defence, next to that of the Narrows, as that point on Lake Champlain? No, not one—not one. Well, how was that point secured to New York? Why, as he had said, the 45th degree of latitude was the treaty boundary between the two countries. In point of fact, it had been taken for granted for some years that the 45th degree of latitude running north of Rouse's Point, brought it within the jurisdiction of the State of New York. But it was found that it ran south of the point, and so gave it to the British territory. Well, how did they seek to obtain it? By running a little circle round it, like the Dutch King? No—they straightened it—they retained the old line—they stipulated that that which had been understood to be the line should be retained. And that not only gave them Rouse's Point, but it gave them some thirty or forty thousand acres of land lying between 45° and the old line: and they did the same for Vermont; by retaining the old line they secured to the people of that State some sixty or seventy thousand acres; and the line of 45° ran through several of their townships, leaving their settlements on the British side, in several instances. He had never heard any of the constituents of his friend near him (Mr. PHILIPS) complain of that. They made it

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a point, therefore, as one of the equivalents—one of the benefits—one of the considerations and advantages, accruing not directly to the people of Maine, but accruing directly to the people of Vermont and New York, that the line which had been the received line, should be established as the true line. What did they do for New Hampshire? There had been a territory long in dispute near the source of the Connecticut river. They would observe that the line was to reach along the highlands to the north-westernmost head of the Connecticut River. There were several streams there—what were they? They bore different names—which was the true north-westernmost head? The State of New Hampshire had claimed Hall's stream. The Dutch line, of which the Senator from New York (Mr. Dickinson) was so much enamored, did not give that to New Hampshire; and, indeed, their own commissioner, (Mr. Van Ness,) when surveying that territory under the treaty of Ghent, said that the line should not run to that creek. Yet that was agreed to, and gave 100,000 acres to New Hampshire. He did not say that that was the right construction, but it was a construction that the United States commissioner under the treaty of Ghent had given up. It had appeared to him (Mr. W.) just and important to have it so, and it was agreed to by the British Plenipotentiary. He thought that here he ought to relieve the Senate from any farther discussion of that boundary. He believed that the negotiation had been fairly conducted towards Maine and Massachusetts; that it had resulted in an arrangement quite favorable to both, and that nine-tenths of the people of the States were entirely satisfied. He maintained that it had given up no important position to the British Government, but, on the contrary, obtained for the United States a military position of very great and acknowledged importance.

Mr. GREENE here rose and said, that as the day was now far advanced, he would, with the permission of the Senator from Massachusetts, move an adjournment.

Mr. WEBSTER then yielded the floor, and  
The Senate adjourned.

TUESDAY, April 7.

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Mr. WEBSTER rose, and said: On yesterday I read an extract from the proceedings in the British Parliament of a despatch of Lord Palmerston to Mr. Fox, dated August, 1841, in which Lord Palmerston says that the British Government, as early as 1840, had perceived that they never could come to a settlement of this controversy with the Government of Mr. Van Buren, and they therefore wished and waited for a change in the Government of the United States.

Now, sir, I do not mean to say that that was so. I do not wish to say whether the fault was

more on one side than the other; but I wish to correct, in the first place, any inference of an improper or injurious character which may be drawn from that statement of the British Secretary of Foreign Affairs. It may be said that the British Secretary knew that he could not drive a good bargain with Mr. Van Buren, because he was too upright to assent to any arrangement which would be injurious to the interests of his country. They therefore looked forward to, and waited for a change which would bring into power an Administration more ready to concur in the purposes of England. Now, to prevent any such construction, I wish to say that those remarks of Lord Palmerston, whether true or false, were not caused by any stoutness or stiffness of a peculiar nature which Mr. Van Buren had ever maintained on our side of the merits of the question. The merits of the boundary question were never discussed by Mr. Van Buren to any very great extent. The only point his Administration discussed was the formation of a convention of exploration and arbitration to settle the question. A few years before this despatch of Lord Palmerston to Mr. Fox, the two Governments had agreed how the question could be settled. They had agreed that there should be an exploration. Mr. Van Buren had proposed and urged arbitration. England agreed to it. They agreed to these two principles, therefore, long before the date of that letter of Lord Palmerston; and from that agreement till near the close of the Van Buren Administration, the whole correspondence turned on the determination in favor of a convention for arbitration according to the stipulation of the parties. Therefore, it was not on account of any notion that Mr. Van Buren stood up for American rights better than others. It was because the question respecting the convention for arbitration had become involved in so much complexity—so many protests and counter-protests—had become so difficult and entangled; and because every effort to disentangle it had made it worse. On this account alone, Lord Palmerston had made the remarks. I do not say whether justly or unjustly. I wish to draw no inference that would be injurious to others—to make no imputation on Mr. Van Buren.

I believe this has been somewhat overrated on both sides. I referred yesterday to the report made by General Wool in respect to the road from Kennebec. In point of fact, the place which General Wool recommended in 1838 was a few miles farther east, towards the waters of the Penobscot River; but generally, the remarks I made were perfectly true, that east of that line there has not been a road or passage.

The honorable member from New York yesterday produced extracts from certain debates in Parliament, respecting the importance of the territory ceded to England in a military point of view. I beg to refer to some others which I hold in my hand, but which I shall not read

[1st Sess.]

*The Washington Treaty.*

[Aren, 1846.]

—the speeches of Sir Charles Napier, Lord Palmerston, Sir Howard Douglass, &c., as an offset to those quoted by the honorable Senator. But I do not think it of importance to balance those opinions against each other. Some gentlemen prefer one set of opinions, some prefer others; and, for my own part, I candidly admit that by both, one and the other, facts are overstated. I do not believe, sir, that any thing in a military point of view, ceded by us to England, is of any consequence to us or her, or that any thing was ceded by either party except one thing—that is Rouse's Point. I do believe it was an acquisition of importance to repossess ourselves of the site of that fortress, and to that point I shall proceed to make a few remarks that escaped me yesterday.

I do not complain here that the Senator from New York has underrated the importance of that acquisition. But what I do complain of—if complaint it may be called—is, that when he spoke of cessions made to England by the treaty of Washington, a treaty which proposed to proceed on the ground of mutual concessions, equivalents, and considerations—when referring to such a treaty to show the concessions made to England, he did not consider it necessary to state, on the other hand, the corresponding cessions made by England to us. And I say over again, that the cession of Rouse's Point by her must be, and is considered, by those best capable of appreciating its value, of more importance than all the cessions we made to England; and to show how our Government considered its importance during the last war, when the nation was oppressed with debt, there was nothing that addressed itself with more zeal to them than to make a defense suitable for the north end of Lake Champlain. As early as 1816, the Government paid twenty or thirty thousand dollars for the site, and went on with the work at an expense of one hundred thousand dollars. But in 1818, the astronomers appointed found it was on the English side of the boundary. That, of course terminated their operations. But that is not all. How did our Government regard the acquisition by the treaty of Washington? Why, the ink with which that treaty was signed was hardly dry, when the most eminent engineers were despatched to that place, who examined its strength and proceeded to renew and build it. And no military work—not even the fortifications for the defence of the Narrows approaching the harbor of New York—has been proceeded with by the Government with more zeal. Having said so much, sir, I will merely add, that if gentlemen desire to obtain more information on this important point, they may consult the head of the Engineer Corps, who went there by instructions to examine it, and who reported thereon.

Now, sir, I will conclude my remarks on this boundary question. I desire to put it to the people of the United States, whether most of the occasional complaints that have been made,

and that we continue to hear repeated against the settlement of the boundary question, do not proceed mostly from a feeling that it is not desirable that too much credit should be given to those who had a hand in it.

Another topic was the affair of the "Caroline," and the affair of McLeod. These have been the subject of discussion and remark in both Houses of Congress at this present session. It would be well to state briefly the history of these occurrences. [Mr. W. here entered on a historical detail of the "McLeod case," as it was called. He quoted from the Message of Mr. Van Buren, of December, 1838, giving the American account of the invasion, by citizens of the United States, of the Canadian provinces—an account made up of official and other evidence taken by the Government of the United States. He also referred to the British account of the same transactions, contained in Senate documents, 3d session, 27th Congress, document No. 99.] That statement of what had actually occurred on the Canada frontier was by Mr. Van Buren. In the latter part of December, he thought the 29th, a British party from Canada came over, and in the harbor of Schlosser seized the "Caroline." It created a considerable excitement, and was the subject of a correspondence between Mr. Fox and Mr. Forsyth. Reparation was demanded, but not given. Mr. Fox avowed the act as done by the Colonial Government of Canada, and justified it; and if so, made an occasion for a direct appeal to the British Government. Then arose the question whether the British Government had avowed that act. On that subject there was a correspondence, which was of considerable interest. In that position the case rested till the arrest of McLeod, in 1840. Remonstrances followed immediately on the part of Mr. Fox. Mr. Forsyth did not admit that the Government of Great Britain had ever avowed that act. Here he referred to a note from Mr. Forsyth to Mr. Fox, of 26th December, 1840.

The British Government had all along contended that when the matter was complained of by Mr. Stevenson, Lord Palmerston at once communicated the avowal of the British Government of their assumption of the responsibility of the act, and stated that neither indemnity nor apology was to be expected from the British Government. Yet the affair was left in this unsettled state during the whole of Mr. Van Buren's Administration. He referred to the correspondence of August, 1841, in proof of that. Lord Palmerston reminded Mr. Stevenson that as early as May, 1838, Mr. S. addressed a note to Lord Palmerston, in which he declared that this enterprise in which the "Caroline" was destroyed, was planned and executed by the Canadian authorities, and then asked, "Could the United States, after such a declaration, say that they did not understand that it was any more than a private outrage, else they would sooner have demanded repara-

tion?" He referred gentlemen to the correspondence. If so, then the question arose, How was that matter left unsettled during the whole of Mr. Van Buren's Administration? It occurred in the first year of that Administration: what step had he taken to vindicate the honor of the country? Not one. Whose fault was it that proper reparation had not been demanded and had? Nay, if the Government of the United States regarded it as a *private* outrage, it was still to be atoned for. But no demand was made for redress. As he had said, the affair so remained till the arrest of McLeod. That created great excitement, not only amongst public men, but the masses, who regarded it as a national insult—just as Americans, in his judgment, would have regarded it. McLeod was a soldier, subject to superior authority. Circumstances had occurred which, to the Canadian authorities, appeared to demand and justify the destruction of the *Caroline*. McLeod was arrested—was bailed; violence occurred; the judicial authorities were overawed, and he was put into jail. Mr. Forsyth then wrote the note he had read, stating that so far as he knew he was not aware that the act had been avowed by the British Government. Then came a despatch from Lord Palmerston to Mr. Fox. It was the foundation of Mr. Fox's communication to the Department of State, in March, 1841. In that despatch Lord Palmerston said it must have been known that the act was avowed by the British Government, and therefore that they demanded the release of McLeod. What then? It was deemed to be most decorous to take the fact as represented by Mr. Forsyth—it was not thought proper to gainsay the position of the Secretary of State—that never was a part of the policy of any Administration with which he (Mr. W.) ever was connected. Such, then, was the state of the case when General Harrison came into office. He treated the British Government as a just and high-minded Government. He said the invasion of the territory of the United States was an aggression on the sovereignty of the United States, and reparation and apology ought to have been made, and it was not yet too late for that. On the other hand, he said that the arrest of McLeod, a soldier acting under superior authority, was contrary to the law of nations. And in that he (Mr. W.) need not say he spoke in accordance with all the authorities on the law of nations. After much reflection he also said there was an apparent want of courtesy in the letter of Mr. Fox, under the authority of Lord Palmerston, demanding the release of McLeod. But he added, that as the proceedings against McLeod were wrong, Mr. Fox should be informed, that notwithstanding the uncourteous terms of the application, it was just, and McLeod ought to be discharged according to the due forms of law. There was an answer to that communication, and Mr. Fox was then reminded that the law must have its course—that the party, just as in England, in

the Court of King's Bench, must be delivered by judicial proceedings. He was informed that if the indictment had been pending in a United States court, the President could and would have directed a *nol. proe.*, but as it was in a State's court, he could not. He could only see that the process there was fairly conducted. And he (Mr. W.) would call upon the Senator from New York (Mr. Dickinson) for his authority for saying that the United States Government had made a direct and palpable interference in the case. Mr. Fox's letter could be found in Senate documents, 1st session, 27th Congress, document No. 1. And now, he asked, if the decision of the Administration of General Harrison was not exactly right—was it not the proper course? When England said she was answerable—that it was her act—would they have had the Government of the United States to fall back, and, without calling on that responsibility, when an individual came over the line, snatch him up and try him for a murder? Had not the British people a right to be incensed in that case? Suppose the United States Government had invaded any part of the British territory—for reprisal, on just grounds of retaliation—in any way, but under the authority of the United States; and suppose that the act was avowed, refused the demand for negotiation, and said they were ready to meet it: in such a case as that, if the British Government had lain still for three years, and then seized one of that invading party, and threatened to hang him—he would put it to all—would not war be declared in six hours? Would it be submitted to for a moment? Was there a man base enough to say that he would not have made it the cause of war? No; not a man with an American heart in his bosom would have remained silent and inactive for a moment when he saw his Government treated in such an outrageous manner. Well, then, did not the Administration of General Harrison act right? What, then, was the just responsibility that Great Britain had taken upon herself? She made an aggression upon the United States by entering its territory for a belligerent purpose; she had invaded the sanctity of its territorial rights. As to the mere destruction of the vessel, if perpetrated on the Canadian side, it would have been quite justifiable. The persons engaged in that vessel were, it was to be remembered, violating the laws of their own country; some of them suffered for that, and he wished all had suffered.

Mr. ALLEN here desired to know where the proof was of the fact that the *Caroline* was so engaged? Was there any record of the fact?

Mr. WEBSTER. Yes. There was proof—abundant proof. The fact that the vessel was so engaged, was, he believed, pretty well proved by the trial and conviction of Van Rensselaer. But besides, there was abundant proof in the Department of State, in the evidence taken in Canada by the authorities there, and sent to Great Britain, and which could be confirmed



[Mr. Stevenson.]

The Washington Treaty.

[April, 1846.]

by anybody who lived anywhere from Buffalo down to Schlosser. It was proved by the *res gesta*. What was the condition of the *Caroline*? Mr. Stevenson said that she was cleared at Buffalo in the latter part of December, making the best case he could for the United States, to ply between Buffalo and Schlosser, on the same side of the river, a few miles below. Lord Palmerston, with his usual sarcasm, and with more than a usual occasion for the application of that sarcasm, said,

"It was very true she was cleared out; but Mr. Stevenson forgot that she was cut out of the ice in which she had been laid up for the winter, and that in departing from Buffalo, instead of going down to Schlosser, she went down to Navy Island;" and his lordship asked, "What new outbreak of traffic made it necessary to have a steamboat plying in the depth of winter between Buffalo and Schlosser, when exactly between those two places on the shore there was a very convenient railroad?"

He (Mr. W.) begged most respectfully to suggest all that to the consideration of the chairman of the Committee on Foreign Relations! And as further evidence, he would state the entire omission of the Government of the United States, during the whole of Mr. Van Buren's Administration, to make any demand for reparation for the property destroyed. So far as he remembered, such a suggestion was never made. But one thing he did very well remember, and that was, that a person who had some interest in the property came then to the city of Washington, and thought of making an application to the Government in the time of Mr. Van Buren. Well, he was told that the sooner he shut his tongue on that subject the better, for he himself, knowing that the purpose to which the vessel had been applied, came within the purview of the statutes of the United States against fitting out hostile expeditions against countries with which the United States were at peace, was liable to prosecution; and he, ever afterwards, profiting by the friendly admonition, held his peace. That was another piece of evidence which he respectfully submitted to the consideration of the chairman of the Committee on Foreign Relations!

Well, then, to proceed. There were gentlemen in the Cabinet of General Harrison not unknown to eminence in their profession, and they and General Harrison concurred in the opinion that the proceedings against McLeod were unlawful. General Harrison felt as a military man; his feelings, as such, were touched, and gave him a strong perception of the great impropriety of the proceedings against McLeod. The case went on in the courts of New York. He (Mr. W.) was greatly surprised at the decision of the courts of New York, on the application for a *habeas corpus*. On the peril of his professional reputation, he affirmed that the opinion of the court of New York in that case was not a respectable opinion. McLeod was acquitted; in fact there was no proof of his being guilty. Well, did not Con-

gress then pass an act that if such cases should hereafter occur, they should be placed within the jurisdiction of the United States? That was a necessary action. As a great principle, it lay at the foundation of the Government, that the judicial power of the Government must be coextensive with the legislative power; that is, that when the exercise of legislative and executive powers came to be discussed upon questions of legality and illegality, and when any question touching the duties of this Government in treaties of peace—treaties of alliance on any branch of its foreign relations—came to be discussed, the final decision of that question must be within the supreme judiciary under this Government, or else the Government was a mere fiction, a man of straw.

I will now allude, as briefly as possible, to the remaining points of the treaty, to which allusion had been made. The subject of the delivery of fugitives from justice has been revived. It has been said that an innocent woman had been sent back to Scotland. Why, I believe the fact is, that a woman had murdered her husband, or some relative in Scotland, and fled to this country. She was pursued, demanded, and carried back, and from some defect in the ordinary regularity of evidence, or some such cause, which not unfrequently occurs in criminal trials, she was acquitted. But, sir, I undertake to say that the article for the extradition of offenders contained in the treaty of 1842, if there were nothing else in the treaty of any value, has of itself been of more value to this country, and is of more value to the progress of civilization, the cause of humanity, and the good understanding between nations, than could be readily computed. What was the state and condition of this country on the borders at the time of this treaty? Why, it was the time when the "patriot societies" were all in operation—when companies were formed and officers appointed by secret associations to carry on the war in Canada; and as I have said already, the disturbances were so frequent and so threatening that the United States Government here despatched General Scott to the frontier to make a draft on the State for militia to preserve the peace of the border. What in the world repressed these disorders? Nothing in the world but a provision between the two Governments that if those "patriots" and "barn-burners" went from one side to the other to destroy their neighbor's property, trying to bring on a war all the time—for that was their object—they would be punished. As soon as that provision was agreed to, the disturbances ceased on one side and on the other. They were heard of no more.

But I may now state, I suppose without offence and without cavil, that since the negotiation of this treaty, containing this article, we have negotiated treaties with other Governments of Europe containing the same, and that

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*The Washington Treaty.*

[29TH CONG.]

between other Governments of Europe themselves treaties have been negotiated containing that provision—a provision never before known to have existed in any of the treaties between European nations. I am happy to see, therefore, that it has proved itself to be useful to the citizens of the United States, for whose benefit it was devised and adopted, that it has proved itself worthy of favor in the judgment of the most enlightened nations of Europe, and that it has never been complained of by any body except by murderers, and fugitives, and felons themselves.

Now, sir, comes the matter of the African squadron, to which I am induced to turn my attention for a moment, out of sincere respect to the member from Arkansas, (Mr. SEVIER,) who suggested the other day that to that article he had some objection. There is no man whose opinions are more independent than those of that gentleman; and no one maintains them with more candor. But, if I understood the Senator, he appears to think that that article gave up the right of search. What does that mean? We never claimed that right. We had no such right to give up; or does it mean exactly the opposite of what he says—that it yielded to England her claim? No such thing. The arrangement made by this treaty was to carry into effect those stipulations in the treaty of Ghent that we thought binding on us, as well as to effect an object important to this country, to the interests of humanity, and to the general cause of civilization throughout the world. The object of it was to accomplish all that in a way that should avoid the possibility of subjecting our vessels, under any pretence, to the right of search. I will not dwell on this. But allow me to state the sentiments on this subject of persons in the service of the United States abroad, whose opinions are entitled to respect. There is a letter sent to the Department of State by Mr. Wheaton, dated Berlin, November 16, 1842. [Mr. W. read from this letter an extract, expressive of the writer's approbation of this article of the treaty, as particularly well adapted to the end proposed, and by which for the first time the policy of the United States in this respect might be said to have exercised a decided influence upon that of Europe.] I am quite willing, (said Mr. W.) to rest on this opinion of Mr. Wheaton as to the propriety, and safety, the security and the wisdom of the article in this treaty respecting the suppression of the African slave-trade by a squadron of our own, against any little artillery that may be used against it yet. I beg the gentleman's pardon, I did not allude to his opinion; I have for him the highest respect. I was thinking of what is said in some of these "documents." But I need not stop there. Upon the appearance of this treaty between England and the United States, the States of Europe did alter their treaty stipulations and their policy. The treaty of 1841 between the Five Powers had not been ratified by France.

There was so much opposition to it in France on the ground that it gave the right of search to the English cruisers, that the King and M. Guizot, though the treaty was negotiated according to their instructions, did not choose to ratify it. I have stated the cause of popular indignation against it. Well, what was done? I'll tell you. When the treaty of Washington became known in Europe, the wise men of the two countries, who wished to do all they could to suppress the African slave-trade, and to do it in a manner expressing in the highest degree the immunity of the flag of either, the supremacy of either, agreed to abandon the quintuple treaty of 1841—the unratified treaty—they gave it up. And I have now in my hand the treaty between France and England, signed in London, on the 29th of May, 1845, the articles of which, respecting the manner of putting an end to the slave-trade, embody exactly the provisions contained in the treaty of Washington. Thus it has been that France had borrowed from the treaty stipulations between the United States and England, the mode of fulfilling her duties and accomplishing her purpose in perfect accordance with the immunity of her flag.

Mr. President, there is another topic on which I have to say a few words. It has been said that the treaty of Washington and the negotiations accompanying it, leave the great and interesting question of impressment where they found it. With all humility and modesty, I must beg to express my dissent from that opinion. I must be permitted to say that the correspondence connected with the negotiation of that treaty—although impressment was not in the treaty—has, in the judgment of the world, at least of considerable and respectable persons in the world, been regarded as not having left the question of impressment where it found it, but advanced the true doctrine in some degree to a higher and stronger foundation. The letter addressed on that subject from the Department of State to the British Plenipotentiary is among the documents. I only wish it to be read. It expresses shortly the course of this Government on that subject. Lord Ashburton had no authority to settle that question—a circumstance which I do not regard, because I do not deem the subject as one at all proper for treaty stipulation. [Mr. W. here read from the letter alluded to.] The declaration there made, he said, would stand, not on account of any ability in the writer, or authority in the name subscribed to the letter. But it will stand, because it announces great principles of public law. It will stand, because it announces the true doctrine of the independence and equality of nations upon the sea. It will stand, because it announces the determination of the people and Government of the United States to maintain those principles—to uphold these doctrines, through good report and through evil report, forever. The declaration, sir, will stand. [Here Mr. W. referred to the

1st Sess.]

*Diplomatic Correspondence—Oregon.*

[APRIL, 1846.]

outrages that had been perpetrated on board American coasting vessels in their passage along the Bahamas, from the south to the south-west, and alluded to the case of the "Endymion." He called on the Senator from South Carolina (Mr. CALHOUN) to say whether he (Mr. W.) had not aimed at the object of preventing the recurrence of such scenes. [Mr. CALHOUN expressed his assent.] Mr. W. then thus concluded: I am ready to put it to the people of this country if the north-eastern boundary question has not been settled honorably, fairly, and satisfactorily to the States concerned and nine-tenths of the American people. I am ready to put it to the people of this country whether, in the matter of the African squadron a great difficulty has not been removed, the immunity of our flag been established, and whether more has not thus been done towards the accomplishment of the object than had ever been done before by both countries. And in regard to the Oreole case, I put it to the gentleman and every citizen of the country whether every thing intended to be accomplished by correspondence and negotiation on that subject has not been accomplished. And then I will put it to the country, finally, whether what was done on that occasion—whether the result of talent or fortune—(I claim no merit for talent)—has not been favorable to the maritime rights of the United States and to the civilized world—whether it is not so regarded by all the civilized world. These are the questions which, I wish, to-day, to put to the country, and every citizen of the country. I am willing to abide by the reply.

WEDNESDAY, April 8.

*Diplomatic Correspondence—Oregon.*

The Senate resumed the consideration of the following resolution, submitted several weeks since by Mr. J. M. CLAYTON:

"Resolved, That the President of the United States be requested to communicate to the Senate copies of any correspondence that may have taken place between the authorities of the United States and those of Great Britain since the last documents transmitted in relation to the subject of the Oregon territory, or of so much thereof as may be communicated without detriment to the public interest."

Mr. ALLEN suggested that the resolution be passed by informally.

Mr. J. M. CLAYTON observed that the resolution had been postponed for several weeks, at the suggestion of the Senator from Ohio. He thought its adoption at this time was essential, in order to accelerate the decision of the Oregon question. There were Senators who probably would not be disposed to vote for the notice, without having all the information before them, although it would have no effect on his own vote. The time for the final action of the Senate upon that question had nearly arrived, and he trusted the honorable Senator would

see the propriety, under the peculiar circumstances of the case, of suffering the resolution to be adopted.

Mr. ALLEN said he had heard nothing, he had seen nothing, to change his opinion about the propriety of passing this resolution. The objection which he had taken before existed still, and that objection was, that the passage of resolutions from day to day, as often as steamers arrived from England, carried with it the appearance of a distrust, (not so intended by the Senate, of course :) but the proceeding carried with it the appearance of a distrust of the ability and the wisdom of the Administration in the management of the Oregon negotiation. It was fair and reasonable to presume, from the fact that the Executive, at the commencement of the session, voluntarily laid before the two Houses of Congress the state of the negotiation, and recommended the interposition of the law-making power in reference to the Oregon territory; it was reasonable, under the circumstances, to suppose that if any thing had occurred subsequently which was known to the Executive, and was not known to the Senate, and which he deemed it proper and consistent with the public interest to communicate, he would have communicated it without being interrogated. Two calls had already been made upon the Executive upon this very subject. The first was made by the House of Representatives, and brought out the information of the tender and rejection of the two propositions to arbitrate. The other was an inquiry made by the Senate, and was responded to a few days ago, bringing out not so much what had transpired in relation to the Oregon question, as what, in the opinion of the Executive, was necessary by way of military preparation. He did not oppose that resolution, mainly for the reason that it only called for an opinion upon the question of the military defences of the country. Had it called, as he had heard it said on the other side, for facts, as far as those facts formed the groundwork for that opinion, and no further, he would still have offered no objection to its passage. That resolution was responded to: and now it was said that the pendency of the question in the two Houses of Congress constituted the right of the two Houses to interrogate the Executive. If the Senate of the United States believed that the President was incompetent to judge what were his duties towards Congress, pending legislative action, or if they believed that the President was actuated by evil or improper motives, under such circumstances it would be extremely proper that this resolution, and all others which Senators might be disposed to offer by way of inquiry, should pass. But, in the absence of these reasons, the effect of such a proceeding upon the world and upon the powers of this Government, in the controversy with Great Britain, would be highly detrimental. This was why he thought the resolution ought not to pass. If any Senator would

rise in his place, and say that he believed the President of the United States had in his possession information which the public interest required should be communicated, and that, having it in his possession, he suppressed it—if any man would say this of the President, he would vote for the passage of the resolution in order that such man might be gratified.

He had said on a former occasion, and he repeated now, that in former years, when this very Oregon question was pending before Congress, when the legislative power was about to act upon it, and when they did act in the most solemn form upon the very same question, a similar resolution was offered, calling upon President Tyler for like information, and was voted down. And on that occasion he remembered the Senator from Kentucky (Mr. MOREHEAD) made an elaborate speech, and other Senators made speeches, alleging all the reasons which he (Mr. A.) had now adduced in reference to this resolution, and even more, against the passage of the resolution then offered. That was when the Administration was in the hands of Mr. Tyler. He would say nothing respecting Mr. Tyler, either good or bad, except that he stood in a peculiar position before the American people, not having the confidence of either of the great political parties; yet, on that occasion, it was thought that the passing of resolutions of inquiry would be an act not respectful or proper in itself, as it would be presuming that the President would do wrong. He would not trouble the Senate by referring to the vote upon that occasion, as recorded in the Journal. It was sufficient for his present purpose to state that the Senate did establish the principle.

It was neither from his knowledge of what information did or what did not exist that he opposed this resolution. He opposed it because he believed its moral effect would be bad. If he knew that there was not one solitary communication which had passed between the two Governments which had not been made public, he would nevertheless oppose the resolution, because the reasons for his opposition to it would govern then as well as now. And he wished no inference to be drawn one way or another from his opposition, as to what was or was not in existence. His opposition was upon the ground that thus perpetually probing the President with resolutions would imply, in the view of the American people, a want of confidence in the President on the part of the Senate, and that such an implication would greatly prejudice our interests in the controversy with Great Britain. If the Senator was disposed to force a vote upon the resolution, he was ready, for one, to vote upon it. He would not, of course, complain of it, whatever might be the result. He had merely stated what had been the practice of that body, and by what principles grave Senators had heretofore been governed under like circumstances. Having stated this, and having stated what he believed

would be the moral effect of the adoption of the resolution, he left the matter entirely to the discretion of Senators.

Mr. J. M. CLAYTON said he understood as well as the gentleman from Ohio himself did, what had been the practice of the Senate. One or two solitary cases might be pointed out in which resistance had been made; but no one at all acquainted with the practice of the Senate would say that resolutions of this description had been ordinarily the subject of opposition. Such resolutions, unless under very peculiar circumstances, were adopted as a matter of course. And why? Because they asked the President for just so much information as in his opinion might be communicated without detriment to the public interests, and no more. Everybody must see that there was no impropriety in that. The Senator from Ohio had repeated half a dozen times over that the resolution would imply a distrust of the Executive, but he had not shown the Senate in what way it would have such an effect. He maintained that it implied the highest confidence; for the whole matter was left discretionary with the President. The Senator said they were probing the Executive day after day. Why, they have been debating this question for months, and only one resolution of inquiry had been passed, and that was promptly answered by the President. This resolution had been long delayed, at the request of the chairman of the Committee on Foreign Relations, and that Senator still persisted in his opposition to it. And that, too, when the Senate was on the eve of a vote upon the question. He appealed to the friends of that Senator against such an opposition as this. Gentlemen, when called on to vote upon the question of notice, might say they were not prepared to vote without the information asked for by this resolution. They might say, with a great show of reason, that they were not willing to "go it blind." The President might probably have information which, if communicated, would alter the whole state of the question. The extraordinary opposition of the Senator from Ohio, standing in the position he did as chairman of the Committee on Foreign Relations, would have the effect of giving to the people of this country suspicions of a very different character from those to which the Senator had adverted. It might very reasonably be suspected, judging from the source from which opposition came, that the gentleman feared the President would give information which the Senator would be unwilling should be given. The Senator would find upon reflection, that he was much more exposed to suspicion for his opposition than the Senate would be for its adoption of the resolution. He had already announced his determination to vote for the notice. That determination was not likely to be affected by any thing which would be disclosed; but he could see no good reason why other Senators should not have the benefit of the information,

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if any was to be procured. He wished to ask the Senator from Ohio if he did not wish to have a strong vote in favor of the notice; and there were many Senators who would hold back until all the information in the hands of the Executive was before them. As to distrust of the Senate, he asked that some better proof of it should be shown than had been as yet disclosed. He would ask the yeas and nays on the passage of the resolution.

The yeas and nays were ordered.

Mr. MOREHEAD said he should not have troubled the Senate, had it not been for the allusion which was made to himself by the Senator from Ohio. On a former occasion he had deemed it his duty to oppose the passage of a resolution which, in its terms, was certainly similar to the present one, being a call for information; but the Senate, in his view, stood at that time in altogether a different position from the one it occupied now. The resolution calling for information at that time was offered at a period when it was understood negotiations were pending between this Government and Great Britain upon the Oregon question, and at a period when there was no duty devolving upon the Senate which made it indispensable that they should have the information. It was a mere call for information tending to no practical result, at a time when there was no measure pending to which that information could be made directly applicable. What was the state of the case now? At the commencement of the session the President deemed it his duty to call upon the Legislature to consider the propriety of giving notice to Great Britain of the termination of the joint occupancy of the Oregon territory. The notice was passed by the House of Representatives, and sent to the Senate; and it had been for months the subject of legislative action in that body. A very important duty was now to be performed by the Senate. They were called upon to determine a question which might involve peace or war—to assume a high responsibility; and, under these circumstances, he thought they were entitled to demand and receive all the information upon the subject which the President of the United States might have in his possession. They ought not to be called on to perform so high a duty blindfold. How could it be said to imply any distrust of the President to ask for information to enable the Senate to act understandingly? He, for one, desired to know what were the precise relations existing between the British Government and our own. He acted on the same responsibility in regard to this matter that the President himself did, and he claimed the right to possess the same information.

Mr. ALLEN replied. He would detain the Senate only a few moments. He had alluded to what had been done in the Senate on a former occasion, and the remarks which had fallen from the Senator who had just taken his seat, rendered it necessary for him to enter a

little more into the details of that case. He (Mr. A.) on that occasion submitted a resolution, calling upon President Tyler, and he made a speech in support of it, which was recorded in the volume before him, (Congressional Debates.) Other Senators made speeches also recorded in that volume. He then stated the facts on which he predicated his resolution. The Senate of the United States had passed a bill upon the Oregon subject: a bill, let it be remembered, which, on its face, in name, claimed up to the Russian boundary—bounding the United States claim by parallels of latitude, and going to 54° 40'. That bill passed the Senate upon the yeas and nays, ineffaceably recorded. Well, during the session of the British Parliament which immediately succeeded the session of the Senate at which that bill was passed, that bill became the subject-matter of discussion. In that debate, a leading member of the Opposition had declared, that had that bill become a law, it would have been a cause of war. The Prime Minister of England replied to that declaration. He said that he did not exactly know, but he believed that the vote of the Senate had been divided on the passage of the bill; he had not the official account before him, it seemed, but he stated that he would not decide a hypothetical case of war, that he would not suppose a question, and then decide it to be a question of war or no war; but this was what he would say, that he had assurances from the President of the United States, which justified the conviction upon his part that he (the President) would not have permitted that bill to become a law. That was the point on which he (Mr. A.) hung his resolution. The Senate had passed a bill. The British Minister alleged that he had reasons which induced him to believe that President Tyler would not have permitted that bill to become a law, and he (Mr. A.) wanted to know what the reasons were, which the British Minister had, and the American Senate had not, for supposing that President Tyler would have vetoed that bill. Well, in that state of the case, they met again. The Oregon question again came before the Senate. They were required to exercise the law-making function upon that question, and in that state of the case, with the discussion in the Parliament before them, and the declaration of the British Premier that he had these assurances from the President that he would have vetoed that bill—for that was the substance of his declarations—he (Mr. A.) wanted to know before they proceeded with subsequent legislation, what those reasons were; what the state of the case was, as created by the relations existing between the President of the United States and the Prime Minister of England. It was material that that should be known to the Senate, because the Prime Minister of England had virtually said that the Senate of the United States had done a thing which the President would have vetoed, and which they were about to do again. That had

been no haphazard declaration of an humble member of the British Parliament—not made in an oyster-cellar by an irresponsible man—but made by a man who shook the trident of Old England over the waters of the world. He it was who declared that he had the assurance that that bill would not pass—that Mr. Tyler would have defeated it. Well, the Senate came to act upon it again, and he (Mr. A.) wished to know the facts as to what had passed between the President and the British Government, and on that he predicated his resolution, because the state of the case required it, inasmuch as they had the threat of a veto hanging over them; and it was with that argument he went before the Senate with his resolution—an argument that never was answered, and never could be answered. It was that which the Senate, with that wisdom, gravity, and patriotism renowned all over the world, voted down, on the argument of grave and sedate Senators, who alleged that the passage of the resolution would have the same effect which he alleged the passage of that now before the Senate would have, although the circumstances were more strongly in favor of the passage of the one which he (Mr. A.) offered. Now they had an Executive that had some responsibility—that possessed the confidence of some portion of the American people to back it—one which had some character at stake, as well as the Senate, and which might be fairly presumed would have regard to that character, and would not suppress—would not keep back—any information which the rights, honor, and interests of the country required should be communicated to the Senate. No man rose there and said that he believed that Mr. Polk would pocket information and withhold it from the Senate, if it was proper to be communicated to them, and the public interests demanded its communication. If any man rose in his place and made such a declaration, he (Mr. A.) would immediately withdraw his opposition, and vote for the resolution.

But what said the distinguished Senator from Delaware (Mr. CLAYTON)? He said that in the absence of this resolution, the Senate might vote in the dark. Senators might not vote for the Oregon resolution to give the notice, because that resolution was not passed. Indeed! And yet the gentleman said he believed the President kept back nothing which ought to be put in possession of the Senate! Did not the declaration of the Senator imply distrust? If any man would falter—would hesitate—would vote against the joint resolution because the one now offered did not pass, the imputation was, that Mr. Polk kept something back, which he was afraid to give them. He repeated, if any man made such a declaration he (Mr. A.) would at once vote for the resolution. He had stated over and over again the grounds on which he opposed the resolution. He did not impute any such motive to any one; but the general tendency of the action of the Senate since it had got the resolution from the

House, was, to paralyze the arm of the aggregate Government—he spoke not only of the Executive arm, but the arm of the aggregate Government. It had had the effect of dividing, to some extent, the opinions of men whose united opinions alone could sustain the glory and honor of the country. How divided? By argument, which they were told at the outset of the discussion would blister the tongue of the man who uttered them—divided by argument, which went to establish the injustice of the United States Government towards Great Britain, if they established any thing at all, and therefore tending to encourage Great Britain in the prosecution of her demands even at the point of the sword, with the approbation of the world, invoked by arguments uttered on the floor of the United States Senate.

Mr. BRZESE here rose, and moved that the Senate proceed to the consideration of the special order.

Mr. CALHOUN begged the Senator to withdraw his motion for a few moments, as he had one word to say. He felt it due to the late Administration to state in reference to what had fallen from the Senator from Ohio, (Mr. ALLEN,) that neither he, (Mr. C.), nor, as far as he knew, any member of Mr. Tyler's Cabinet, ever heard a single expression which authorized any such idea as that the President ever intended to veto the bill alluded to, or any such bill. If Mr. Tyler ever entertained such an idea, he confined it to his own breast. The language of the Senator from Ohio might, if unexplained, produce the erroneous impression that Mr. Tyler had expressed a determination to veto the bill.

Mr. ALLEN said he had not so stated, but had merely alluded to what Sir Robert Peel had said. He had said nothing of any declaration on the part of the Administration.

Mr. CALHOUN. I understand you perfectly.

Mr. ALLEN. In order to put the question at rest, I will ask the Secretary to read the passage in the speech of the British Premier to which I alluded.

The Secretary then read the passage. It is as follows:

"The question of the Oregon territory, no doubt, is not adjusted; but on that it is not necessary that I should address the House at any length. With respect to the course which the American Government has taken, the noble lord makes no allowance for the position of a Government so open to popular influence as that of America. We, however, deal with the Executive Government, and not with the Senate. We have proposed to that Government to consider the means of effecting a conciliatory adjustment respecting the Oregon territory; and we have met with no repulse, but have received assurances, in reply to our proposition, that the Executive Government of the United States is anxious to come to an adjustment of that question; and we have every reason to hope that, unless we revive the former animosity, and embitter the feelings between the two countries, an attempt to settle that question by negotiation will

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be satisfactory. The noble lord says that the Senate has passed a bill, which I believe it has not passed. I think the votes were equally divided; but whatever the Senate may do, it is impossible for the Executive Government to approve of such a bill after having expressed a desire to negotiate. The noble lord says the adoption of that bill would be a case of war. I will not discuss hypothetical cases of war, when, as I have said, the Executive Government has signified to us its desire to maintain peace; and to effect a satisfactory adjustment of the question of the Oregon territory. I trust in the assurances of the Executive Government; and I will not believe that it will give its consent to a legislative measure at variance with those assurances."

Mr. CALHOUN. Why, the Senator spoke of direct "assurances"—does he not perceive that the "assurances" consisted merely of deductions from the expression of a desire on the part of the Executive to negotiate?

Mr. ALLEN. The English language means what the English dictionary tells us, and not what Senators choose to make it mean. It is true the President is not represented as using the term *veto*. But what does the British Minister say? "I will not discuss the question. I trust in the assurances of the Executive Government, and I do not believe that it will give its sanction to a legislative measure at variance with these assurances." "Give its sanction to a legislative measure,"—speaking of the bill passed and discussed as the bill which would justify Great Britain in going to war. It was in that state of the case, in order to ascertain what these "assurances" were, that I offered my resolution of inquiry.

Mr. CALHOUN. Is it necessary for me to say that every Senator must see that the "assurance" was a mere deduction from the fact that the President was disposed to negotiate?

Mr. ALLEN. I don't care whether it was deduction or addition.

THURSDAY, April 9.

*Petitions, Resolution, &c.*

Mr. CORWIN presented the petitions of citizens of Portage and Summit counties, Ohio, asking the establishment of a mail-route from Warren to Hudson, in that State; which were referred to the Committee on the Post Office and Post Roads.

Mr. DICKINSON presented the remonstrance of citizens of Oneida county, New York, against the renewal of a patent heretofore granted to Jethro Wood; which was laid on the table.

Mr. CAMERON presented several petitions of citizens of Pennsylvania, praying an alteration of the Constitution of the United States, with reference to the abolition of slavery; the motion for the reception of which was laid on the table.

Mr. ATCHISON submitted the following resolution:

*Resolved, That the Secretary of the Senate be*

authorized to contract with Charles Preuss, the assistant of Captain Fremont in his expedition to the Rocky Mountains, Oregon, and North California, for compiling a topographical map of the travelling route from the mouth of the Kansas, on the frontier of Missouri, to the main Columbia River, where the emigrants usually embark on the river, and descend by water to the lower Columbia; the said map to be compiled from the original notes, journals, and sketches of Captain Fremont and his assistant, Charles Preuss, taken in the field, and from actual observation, in addition to the usual topography of the country over which the route passes. Also the latitude and longitude of remarkable places, the elevations of the country above the Gulf of Mexico by the barometer at certain distances, the temperature of the air by the thermometer at sunrise and noon of each day, the state of the weather, and the course of the winds; also at sunrise and noon of each day. Also to show every night encampment, and every noon-day halt, with the wood, water, grass, hills, mountains, prairies, rivers, creeks, branches, springs, lakes, pools, and ponds, crossed over or seen in the expedition, the whole to be correctly laid down from positive observations by the eye, or instruments; and also that the said Secretary be authorized to contract with a competent person for lithographing the same.

Mr. CAMERON, from the Committee on Territories, reported a bill to provide for the settlement of the accounts of William D. Slaughter, late Secretary of the Territory of Wisconsin; which was read, and passed to the second reading.

*Change of Duties in Naval Bureaus.*

The Senate resumed the consideration of the bill to change the distribution of duties among the several naval bureaus.

Mr. ARCHER expressed a hope that the subject would be allowed to lie over for a few days, to enable him to inquire into the merits of the bill.

Mr. FAIRFIELD had no objection to the proposition, and the subject was therefore passed over informally.

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The Senate resumed the consideration of the resolution submitted by Mr. J. M. CLAYTON, calling on the President for copies of any Oregon correspondence.

Mr. ATCHISON arose and said he did not take a very deep interest in the resolution, yet he would vote for it. It was only two weeks since, in an answer given to a call made by the Senator from New Jersey, they had received a Message from the President, in which he stated that nothing had transpired since the meeting of Congress to change his opinion, then expressed, as to giving the notice to Great Britain, with a view to the abrogation of the convention for joint occupation of the Oregon territory. Upon that assurance, and taking the opinion of the President of the United States as his guide, he was ready and willing to vote for the notice; indeed, he had been ready for

the three last years. Since the time he first had the honor of taking a seat in that Senate, he thought that there was a propriety in the thing itself, without any intimation from the President of the United States. He had uniformly voted for similar resolutions as that before them, calling for information on that subject. He was still willing, and would continue, from week to week, to vote for such motions, until that great question should be settled. If the resolution was prompted by nothing more than curiosity to know what had taken place, it was, in his opinion, a laudable curiosity. He thought it ought to be known what had been done, what had transpired between the Governments of the United States and Great Britain. The President could communicate to the Senate just as much as, in his opinion, was not detrimental to the public interests. Hence he could see nothing wrong, nothing to embarrass the President of the United States; nor could he see any thing like distrust, so far as their action was concerned. He had discovered no reason for charging any Senator with expressing distrust of the President, least of all from the uniform course of the Senator from Delaware could they accuse him of it; for, since his speech in the early part of this debate, he had always looked upon him as one of the most devoted friends of the notice. Now, he (Mr. A.) was himself anxious for light on the subject, but perhaps for different reasons from Senators on the other side. He, (Mr. A.,) for one, if there was any thing in the State correspondence—in any communication the President should make—indicating that he desired the notice for the purpose of making a compromise on the parallel of 49°, would refuse to give the notice. On the other hand, gentlemen thinking differently, on finding it his intention to use the notice as a weapon, and to act upon the true spirit of the declaration in his Message, that it was now necessary to assert our jurisdiction as was claimed, for that reason might refuse to vote for the notice. He, for one, would not vote in favor of yielding any portion of our territory. But he wanted all the light the President could give them; not that he distrusted him, for time and again he, for one, had expressed his confidence in the President. He would take the information imparted in his Message as expressive of his opinion as far as it went; but, at the same time, he had no objection to further light on the subject.

Mr. SEVIER expressed his regret that he should, in this instance, differ from his friend from Missouri, and that he could not vote for the resolution of his friend from Delaware. But he had some reasons for believing that there was nothing in the State Department that could have the slightest bearing upon the question. There might possibly be some confidential communications from our Minister in England, containing his opinions as to the result of the action of the two Governments on the Oregon question. But suppose this resolu-

tion to be passed, the President must either refuse to answer the call, and by doing so lead the public to believe that there was something important which was concealed, and thus create expectation and surmise, or he must comply with the resolution, and disclose matters perhaps which ought not to be disclosed, and show his hand to the British Minister. He believed, if the resolution passed and was complied with by the President, the answer would contain suggestions from our Minister, and nothing more. He was ready at all times to vote for any proper call for information touching domestic matters; but, in regard to the foreign relations of the Government, it was the duty of the President, under the constitution, to lay before Congress from time to time such information as he might be in possession of. But here it was proposed to bring into this chamber and publish confidential statements of our Minister in England, by which our adversaries in the negotiation could avail themselves of his calculations. It appeared to him there was something wrong in all this. He thought it was pushing the thing further than it was proper to push it. He cared not what the information might be—whether in favor of 49° or 54° 40', or any thing else—he would vote for the “notice;” he would vote for it at all events. For these reasons he regretted exceedingly that he could not vote for his friend’s resolution; he regretted to give a vote which would in the remotest degree have the appearance of a disposition to deprive him of the light of information, but he felt it his duty to vote against it.

Mr. J. M. CLAYTON said the Senator from Arkansas was entirely mistaken in supposing that it was the duty of the President, under any clause of the constitution, to communicate information, uncalled for, regarding the foreign relations of the Government. The words of the constitution were, that the President should communicate from time to time information “on the state of the Union,” and recommend to the attention of Congress such measures as he deemed necessary. The President might very properly, without violating that clause of the constitution, withhold the information. He did not mean to be understood as saying that the President *would* withhold any information from Congress which he might, without detriment to the public interest, communicate. But this he would say, that he thought it was the duty of the Senate, under all the circumstances of the case, to call upon the President for all the information in his possession, and which in his judgment it would not be improper to communicate. If there were such communications from our Minister abroad as the Senator had suggested, the President would of course not disclose them.

But he did not desire to detain the Senate, and he would not have troubled them with a single remark, but for some remarks which were made by the Senator from Ohio yester-



[*See Sen.*]*Diplomatic Correspondence—Oregon.*[*April, 1846.*]

day, and which he had not an opportunity of replying to at the time, in consequence of the Senate immediately proceeding to the consideration of the special order. The Senator had charged upon the Senate of the United States that its action in reference to the Oregon question had paralyzed the arm not only of the Executive, but of the whole Government. This declaration, or something similar to it, he had heard two or three times repeated by the honorable Senator, the chairman of the Committee on Foreign Relations. He did not understand precisely what it was to which the Senator alluded as paralyzing the arm of the Government. Did he mean that the protraction of the debate had paralyzed the arm of the Government, or did he mean something which had occurred in the debate? If the Senator meant the former, he had only to say that the honorable Senator had had his full share in paralyzing the arm of the Executive. He had consumed as much time, and more, in debate than any one on that floor, and done more to protract the debate than any other Senator there. The honorable Senator had provoked more irrelevant discussion than any other man upon the floor of the Senate. Who was it that started the discussion of the North-eastern boundary question, which had consumed three days' time? It was the honorable Senator himself, in the speech which he made at the opening of the debate, by denouncing the treaty of Washington, and calling in question the wisdom of the negotiators. The honorable Senator made it the duty of the former Secretary of State, now a Senator, to enter into a vindication of that treaty, and of his conduct in its negotiation.

The honorable gentleman (Mr. WEBSTER) was certainly not to be censured for that, for the course taken by the chairman had led him into it. He (Mr. C.) was willing that the Senate should share all just responsibility with the Executive. He was not willing that a single Senator should escape from his just portion of it. He did not think that the Senate deserved the censure which the honorable Senator had cast upon it for the course which it had chosen to take upon this great question of giving notice to England. There had been a diversity of opinion among Senators, but it was an honest difference, and many of them had been anxious from the beginning of the discussion to obtain all the light and all the information possible. He had seen no manifestation of feeling which did not become the Senate, and therefore utterly denied the charge made by the honorable Senator, that the Senate had paralyzed the arm of the Government, or that the charges made against it from any quarter were true, that it had acted on any but the highest and most honorable motives on the question.

Mr. ALLEN followed. He did not intend to renew the discussion that morning, or intend to make more than a few remarks in reply to the Senator from Delaware, (Mr. CLAYTON,) as an act of justice to himself. The Senator was

greatly in error, or rather was in a great error, in supposing he (Mr. A.) had charged any thing on the Senate. What he said, and what appeared in his reported remarks, not corrected by him, but still reported correctly, was, that the effect of the action of the Senate would be, not to paralyze the arm of the Executive alone, but the arm of the Government, including the aggregate of its parts—the President, Congress, &c. He did not mean to say it was the intention of the Senate to paralyze the arm of the Government, but he said that would be the consequence of the proceedings they witnessed there. And what were those proceedings? Why, they were delay, hesitation, and a course of discussion calculated to encourage Great Britain to advance claims, and press them, as he had said before, to the sword's point. When, he would ask, had Great Britain such a strong title made out as had been made out for her during the discussion of the matter in that body? Where was an English State paper; where was a speech of any member of Parliament, where was a solitary English newspaper, or any thing emanating from an English mind, which gave so colorable a title to Great Britain as what they had heard on that floor? He did not say Senators had transcended what they believed their duty in that particular; he did not say they had done that which they had no right to do; but he would say the effect of such a proceeding—of such a protracted, hesitating, faltering course, was to encourage Great Britain to claim beyond that which she otherwise should claim, and to fall on the *dernier resort*.

He was not going to renew the Oregon discussion on that motion. He had said yesterday, what all knew, that arguments had been used there, and repeated over and over again, to the disparagement of our title to a part of that territory—arguments which they were told by some Senators they would not utter, pending a negotiation, were their tongues to blister in their mouths. The Senator was therefore wrong in saying that he (Mr. A.) intended to attack the Senate for what it did. But he was bound, in justice and truth itself, to express his opinion as to the effect of what had been done there. How could they legislate otherwise? Ought not the effect of their actions to be the very rule of their action? Ought they not to look to the effect of what they did as the test to show whether they should do it or not? There was no other test in legislation but the effect of their measures.

Now, as to the Ashburton treaty, he would not make allusion to it then, because the Senator from Massachusetts had made no especial reference to him which called for a reply; but at another time would do so, if necessary. He did not intend to force discussion, but would take it up in the natural order of things. Every one knew the reason of his introduction of that treaty into the debate was to illustrate the position that Great Britain had always a specific object in her policy with all mankind, but es-

pecially with the United States, and that was, to settle one cause of quarrel at a time, keeping over the others to periods most auspicious for herself, and he had referred to the correspondence quoted to show that that was her policy now; but he did not go into the details of the treaty. He knew that would be wading into a broad bog, and opening a discussion that might keep them for the balance of the session of Congress. He knew many grave matters were involved, and that it was impossible to introduce their discussion then with a due regard to the public interests. In regard to that treaty and negotiation, he made no threats in regard to the future, nor should he be palsied by any remarks made by others. He would proceed, on a proper occasion, whenever it arose in the discharge of his public duty, to examine that treaty in all its details, and the circumstances attending its negotiation.

Mr. CLAYTON here rose to reply, and inquired whether the Senator from Ohio had acknowledged his speech as reported in the newspapers?

Mr. ALLEN replied he had referred to the Union report, but, from its general accuracy, he did not doubt it was accurately reported in the *Intelligencer*.

Mr. CLAYTON said the remarks of the Senator were very correctly reported in the Union also. He then read an extract of the speech of the Senator from Ohio, comprising his strictures on the Senate, and proceeded. It was, he said, to that he had referred. His (Mr. O.'s) object was before, and now, to vindicate the Senate. The Senator from Ohio now said it was not the intention of the Senate to paralyze the arm of the Executive; he did not assail their motives; but he said it was the effect of some portion of the debates there, without the Senate intending to effect such an object, and that portion was the discussion of the title by those who believed we had no good title beyond 49°. He was not one of those who had discussed the question of title at all. Early in the session he had given it as his opinion that it would be better to reserve the discussion of title until a treaty was presented to the Senate. But those who had chosen to discuss that question were certainly provoked to it by those who entertained a different opinion, and who attempted to show our title good beyond 49°. The discussion had not commenced with those who believed our title beyond 49° defective; they did so in self-defence, and from a sense of duty. He had no desire to impeach the intention of gentlemen there, but he would ask if the claim of our Government to 54° 40' were sustained there, would it not have the tendency to paralyze the arm of the Executive Government? He would leave it to the country to answer that question.

Mr. CALHOUN asked for the reading of the resolution. The resolution having been read, Mr. O. said, that he felt some embarrassment in saying any thing on the question before the Senate; and the reason was, that the matter came before them in a double aspect. In one

aspect it was the case of a negotiation which had failed, and in which they were called upon to perform certain acts. In another aspect it was the case of a pending negotiation. It was not easy to imagine two cases which demanded more directly opposite action. If the negotiation was still pending, in his opinion, there might be a question as to the propriety of the resolution; but if the negotiation were finished, the Senate, being called on to determine if certain acts should be done or omitted, it was desirable to have all the information that could possibly be obtained. The only question was, which was the stronger of the two cases.

Now, then, such being the state of the business, as he relied upon the discretion of the Executive, and believed that he had too much firmness, in case of a pending negotiation, to communicate any thing injuriously affecting the question; and if there was any information that might with propriety be communicated, having a bearing either upon the notice or the measures which they had been called upon to perform by the Executive Department, it was proper that they should have before them all which the President might deem it proper to communicate. In that view of the case, with all deference to the Executive, and without intending to cause him any embarrassment, he (Mr. O.) felt himself compelled to vote in favor of the call. But that was not the only question. The chairman of the Committee on Foreign Relations had used language certainly in its bearing—if not intended—calculated to press upon the character of the Senate and the course they had pursued on the question of the notice. He (Mr. ALLEN) complained that they had made out a stronger case for the British than the British had made out for themselves. He (Mr. O.) appealed to every member of the Senate and the whole country, whether, when they were called upon to perform an act which might involve peace or war—and that certainly was the aspect of the notice at the commencement of the session, and that might still be one of the results of the measure—whether, as patriots, as honest men, they were not bound to go into the question of title, and tell the people of the United States precisely the nature of the title? They were bound to do so; for he held to the truth of the maxim which declared, "Demand nothing that is not right, and submit to nothing that is wrong." And he was disposed to modify the maxim, so as to make it read, "Demand nothing which we are not certain is right." That was a maxim of whose wisdom and justice the people of the United States were well convinced, and if ever it was violated by them, it would be because they did not understand the facts and true state of the case. The Senator from Ohio, (Mr. ALLEN,) and other gentlemen who thought with him, assumed that the United States title extended to 54° 40'—that it was good—and on that ground alone they justified the notice. He knew that that Senator and those who thought

[Mr. Allen.]

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with him, occupied a position which always before the eyes of the American people, was a very desirable one, appearing to advocate the opinion of the country. It was an agreeable position; but what was the position of those who did not think that the title of the United States was indisputable? Were they, to sit still and say nothing, and give a vote against the notice with the declaration there that the title of the United States went to 54° 40'? That was the true state of the case. In point of fact, this question had been brought before the two Houses of Congress before negotiations had been finally concluded. He blamed not the Executive for that—he censured nobody; but he simply stated facts, for the purpose of doing justice to Senators who thought with himself.

He had heard a great deal about “paralyzing the power of the Executive,” and heard a great deal about “want of unanimity,” and “want of nerve.” Did not all that grow out of the state of things he had mentioned? Did not everybody know that if the notice had been simply proposed as an abstract thing, there would be no cause of difference of opinion? But they had been obliged to look beyond that, to see what it would lead to; and believing that the notice, without compromise, would be war, how could they agree with those who, believing it to be so, were yet willing to give it, and go to war? Why he, and those who thought with him, had just as much reason to complain of “want of unanimity.” He might go on, and state point after point, and he ventured to say that every Senator felt the same embarrassment that he did. It was an awful position. It was exceedingly unfortunate that any circumstances should have induced the President to bring the matter before them before its conclusion. Every one who had any thing to do with the control of the foreign affairs of the country must feel and lament it. If, therefore, he, or any other, had been constrained to say any thing in disparagement of the title assumed, it was only said in justice to themselves. As to the time which the debate had occupied, he had taken his portion of it, and so had others taken theirs. But he must say that the time thus occupied by the debate had been very far from being misapplied. He believed that it had produced a most extraordinary “unanimity” as to the great point, and the only point, on which the question could be settled—that was an adjustment of the controversy between the two countries on the parallel of 49°. If the question was to end by negotiation, it must end there; and the strong conviction of the truth of that opinion expressed by members of the Senate on all sides, members differing on almost every point except that, had, in his opinion, laid the foundation of an adjustment of the question in that manner. He felt every hope that such a “unanimity” had been produced in the Senate and in the country, as would lead to that peaceful and honorable settlement of the question.

Mr. ALLEN again rose and said: It would not be right any longer to acquiesce in statements so repeatedly made in that Chamber, that the discussion, or any thing else, had produced “unanimity” therein favor of a surrender of one-half of the Oregon territory. He did not know what some gentlemen meant by “unanimity.” But he thought that when the time of taking the vote on the question came, it would be found that a majority of those who came there as Democrats were decidedly opposed to any “unanimity,” such as that just described. He was aware that there was one way of affecting public sentiment, and of producing an effect abroad, and that was, to assume that the thing was all done—all fixed—all agreed upon, and that the people had no remedy but to acquiesce in what was done there. What evidence, he should like to know, had the Senator of that “unanimity” of which he spoke? Who authorized him to rise there and say that there was unanimity in the Senate upon the point of ceding one-half of that territory to Great Britain? It was of just such speeches as that that he (Mr. A.) complained as being calculated to paralyze the efforts of the Government to extend the jurisdiction commensurate with their claim; and, now whilst he was up, as a part and parcel of that unanimity spoken of, and in answer to the allegation of its existence there, he would desire to say a word or two on certain points.

He spoke not of men there or in the House of Representatives. The course of individuals was their own, and with it he had no right to meddle, whatever it might be. He should speak of bodies—constitutional bodies—acting organically as bodies—of Senates by their majorities, of Houses of Representatives by their majorities, without questioning the propriety of the conduct of any one of the members or the wisdom of his course. That was not his business. A great effort had been made there, and repeated as often as a steamer arrived, to produce the impression that there was but a small body of men left—an humble, powerless body, standing on the Russian line—that they had departed from the whole body of their fellow-citizens, and gone on a kind of crusade, like a straggling band of Indians, and taken their position without company in the cold latitude of 54° 40'. That had been the impression sought to be produced, and also that this thing was of recent origin. It was well for truth that there were some things less perishable than the perishable stuff of which human memory was made. It was well for truth, that its memorials could be multiplied as often as the press-screw could be turned, and that those memorials could be disseminated over the wide surface of the country too extensively to be ever collected in one pile, and annihilated by the fire of a night. It was well for truth, that the ever-enduring records of the Senate changed not, and did not lie, but spoke as often as the returning sunlight of to-day, the same language

to all and every man that read them. It was well for truth, that these Journals were spread abroad, open to the eye of the undivided masses, and that their contents could be referred to to supply the frail recollection of men. Let them see, then, how new the line of 54° 40' was. Let them see when the first foot-print was placed upon that line. Let them see who placed it there. He would speak not of this great man's name, nor that. He had long since ceased to be governed by names—long since. Much rather would he be governed by things. What proposition was there, on both sides of which great and virtuous names might not be invoked! He dealt not, therefore, with men. His own experience in human affairs—aye, his own experience in the Senate of the United States, had told him that great names did not always hold a fixed and changeless position. No, no; he dealt not with names. He dealt with the acts of bodies. He would not go into a past generation; he would see what organic body—

Mr. McDUFFIE here remarked, that perhaps the gentleman, if he intended to proceed, would see the propriety of asking the indulgence of the Senator from North Carolina, [Mr. MANETUM], who had the floor on the special order, and that in respect to him he would move the special order.

Mr. ALLEN. Certainly; if the Senator desired to proceed, he (Mr. A.) would instantly desist, and resume his remarks the first opportunity.

The resolution was then passed over informally, and the Senate proceeded to the consideration of

#### *The Special Order—"The Notice."*

Mr. MANETUM addressed the Senate. He said that until recently he had not expected to take any part in this debate; and that in what he now proposed to offer, he should make no reference to the question of title. He felt an abiding conviction that the whole matter had come before Congress improperly. He entertained not a particle of doubt that the question never could have been thrown upon Congress unless as a war or *quasi* war measure. He held it to be incontrovertible that there was no direct or delegated authority by which Congress could in any way affect an existing treaty, either amending, altering, or abrogating it, the effect of which would be to involve the country in war. But incontrovertible as it was, it was useless to present that view. He might appear singular in that view. The only coincidence of opinion with him on that point had been the intimations which had fallen that morning from the Senator from South Carolina, (Mr. CALHOUN.) The Senate and Executive made treaties. Congress acted by majorities. The power of treaty-making was one highly restricted by the constitution: the Senate—two-thirds of it—and the Executive possessed the power. It was exclusive. He contended that the Congress had no power of making or

breaking a treaty; yet it might indirectly do so. He was aware that a precedent was sought to be established in the abrogation in 1798 of the treaty between France and the United States. That was a *quasi* war measure—which only in good faith could have happened in consequence of a defective carrying out of the stipulations on the part of France. But the present was a treaty containing the special provision for "notice" of abrogation by either party. He alluded to the terms "contracting parties." He asked what was their constitutional construction? Were they not greatly restricted? And could treaties be negotiated or abrogated in any other form? He thought, therefore, that the notice should be given, if given at all, only by application to the treaty-making power. Suppose there were any doubts on the subject, he appealed to the Senate if there was not a preponderance of the scale in favor of the views he had presented? It was a total reversal of all their principles of government, to be called on to vote on such a question without possessing all the information in the hands of the Executive. What right has the Executive to call on us to perform an act, while he withholds the information to give light to our action? In what age did they live, that an Executive, in a Government of free and written constitutions, should call on the Senate to act, not on their responsibility, but on the responsibility of the Executive? The idea was odious to liberty. It might be that the body—a majority of it—might not have confidence, official or personal, in the Executive; and yet they were to act in blind faith in such a one. If such a principle were recognized, these halls might as well be closed. Why not, in such a case, charge the Executive with the whole duty of the foreign relations of the country? Why change the Senators into machines, to be acted upon by the wire-pulling power of the Executive? He could not imagine a grosser prostitution of the character and office of Senator. If it was the Father of his Country—in these days almost sacrilegious to name—who was the Chief Magistrate of the country, he would repel the doctrine, that by his faith in that high functionary he (Mr. M.) should be called on to act blindfold. He had said this much from a profound conviction in his own mind that his position was utterly impregnable. He had been astonished that that view of the case had not before been presented. He had communicated with the ablest jurists of the country, and all entertained the same opinion. But they were told that the notice was a mere peace measure—that it was provided for in the treaty. That was true in the abstract. But was it true in the present circumstances—when under the excitement, menaces, and all that he would not designate, it seemed to seek war at all events? He thought not. In his deliberate judgment, and with all respect to the constituted authorities of the country, he never knew a case that had been so "botched"—always as-

[*Law Sess.*][*Diplomatic Correspondence—Oregon.*][*APRIL, 1846.*]

sunning, as was given out, that the purposes of the Executive were purposes of peace. When was it ever known before that such a subject had been in that stage thrown before Congress? Where else was the precedent and reason, that, in questions of that sort, the Senate sat with closed doors? If war was intended, the course was eminently proper. But was that the profession of the gentleman? Was there a gentleman in that Chamber who did not say he desired peace? Only one or two—the honorable Senator from Michigan, [Mr. Cass,] and one or two others—were apprehensive of war.

He (Mr. M.) thought the mismanagement of the case had resulted from making it a party question. The error arose at the Baltimore convention. That was the first instance in the history of the country in which a popular assemblage took in hand the management of the foreign relations of the country. That error was too steadily followed up and persisted in in the Inaugural Address, and the subsequent policy of the Administration. The little band with whom he had the honor of being associated, was eminently conservative. They were known to be opposed to war. There was another band—a portion of the victorious Democratic party—also known to be favorably disposed to a peaceable settlement of the question. The process of President-making was one which occasionally threatened seriously the safety of the machine. If there was any thing peculiar in the character of the American people, it was a strong predisposition to war. There was no nation in which there existed so strong a proclivity to pugnacity. When every man carried with him a portion of the national sovereignty, it required no preparation of the national heart for war when the national honor was supposed to be affected. Their plain fellow-citizens, attired in linsey-woolsey, were more keenly alive to national insult, or imagined national insult, than any other people on the face of the earth. Well, then, it was amongst such a people that the firebrand of this Oregon question had been recklessly flung. And when the Senate came to discuss the question, it was unfortunately found that it was no longer a party question. Gentlemen had scattered this firebrand in all directions, defying any calculations, *a priori*, as to the result. They had most intricate dialectics in the President's Message. He was not disposed to go into it.

Mr. M. then proceeded to speak of what was, in his judgment, a very obvious contradiction between the Message and the entire want of military preparations. He insisted that there was a gross incongruity between the extreme pretensions of the President and the absence of commensurate warlike preparations. It was found that a division had taken place in the Democratic party, and, to gratify the Hotspurs of the party, as they had been called, it was necessary to make some movement in the way of military preparation. Then came the resolutions of the Senator from Michigan. (Mr.

Cass,) calling upon the different departments for information in reference to what additional force would be required for the defence of the country, which, he would state from good authority, were introduced upon consultation with the Executive, and with his assent.

Mr. Cass said that that was the fact. He had intimated to the President and Secretary of State his intention of offering such resolutions, and no opposition was made.

Mr. MANEUM proceeded. It was, then, very easy afterwards—when the sentiment of the majority of the Senate was known to be favorable to a settlement on 49°—to call for estimates from the War and Navy Departments. All this was very much like shuffling evasion. Not so in the days of the hero of New Orleans. If he meant war, he said it. If he meant reprisals, he said it. He never knew what it was to shuffle. He spoke of the reports of the bureaus having “sneaked” into the Senate. The chairman of the Committee on Military Affairs and Naval Affairs deserved credit for the position they took in respect to these recommendations. The honorable Senator from Michigan, who had been designated the Achilles of the 54° 40' party—

Mr. CASS. That is quite too much honor.

Mr. MANEUM. Well, that Senator who had complained so often that they would not build a ship because they could not build a navy, had no reason certainly to complain of the recommendations of the increase of the navy. But all that, forsooth, was without the assent of the Executive. Was there ever such a case known as an Executive without an organ of his views and opinions in either House of Congress? It had been declared in the newspaper organ, that no man could speak for him; that no man, beyond his Cabinet, knew his views. When General Jackson was at the head of the Government, did such a state of things exist? If Mr. Clay, if the gentleman from Missouri, (Mr. BEXTON,) or if the gentleman from South Carolina, (Mr. CALHOUN,) was at the head of affairs, would such a state of things exist? Such a state of things was prejudicial to the interests of the country. The present Administration was remarkable chiefly for one thing in the management of this question, and that was, its secretiveness. He could only add the expression of the hope, that hereafter, the Chief Magistrate would be chosen from amongst the ablest men of the country. He thought that the President had placed himself in such a position that he could move in any direction on this question, without dislocating his political opinions any more than his physical structure. At all events, if he would settle down on 49°, he would not be absolutely denounced by the great mass of the American people. No man who desired peace had felt otherwise than deeply mortified at the character of the debates on this question in the Senate. The Chairman of Foreign Relations led off with the most violent and studied assault on the country with

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whom they were negotiating. The whole world was ransacked for the purpose of raking up stale abuse of the country with whom they desired to settle the question peaceably. If he (Mr. ALLEN) never would be brought to deplore that speech, it was certain that the intelligent men of the country deplored it, considering the position which the Senator happened to occupy. But he (Mr. M.) must do the Senator justice. There was in his speech one very consolatory assurance: he had assured the Senate that the Government of Great Britain was a pauper Government. It had only to be touched, and it would fall! Had the Senator lived in the time of Napoleon, he would have been of incalculable aid to him in imparting that admirable idea, that the great bulwark of Christendom had only to be touched, and it would fall. It was well for England that the Senator did not live in that day. But the whole tendency of the speech was inflammatory, and therefore it was to be deplored. The episode which had occupied the attention of the Senator from Massachusetts (Mr. WEBSTER) was also to be regretted—as a matter of humanity. It had certainly elicited a most triumphant vindication of a portion of the public conduct of the honorable Senator. But he would commend to him the maxim of the old philosopher—*experimentum corpora vili*—let him choose the viler bodies for the amusement of his leisure hours, and not impale grave and distinguished Senators, hanging them up to “blacken in the sun.”

Mr. M. then proceeded to speak more particularly of his own views on the question of notice. He took a different view of the policy of Great Britain in this matter from that taken by the Senator from South Carolina, (Mr. CALHOUN.) He (Mr. M.) was of opinion, he feared, that there was on the part of England, if not an increased tone of arrogance, at least of extended demand. He thought it unsafe to rely on the expressions of public opinion in the newspaper press. Yet he thought he had perceived in the British journals a different tone from that alluded to by some, as more favorable to a proper and just settlement of the question. But he would not detain the Senate any longer.

Mr. BABY then rose, and signifying his desire to address the Senate on the special order, moved an adjournment.

Mr. HAYWOOD asked the Senator to yield him the floor for a minute, and he asked the indulgence of the Senate whilst he did what he had seldom or never done before—that was, to make a remark which might probably lead to a colloquy in the Senate between Senators. Mr. H. said the answer of the Senator from Michigan to his colleague's (Mr. MANSUM) question in the course of his speech, might be interpreted by others, as it seemed to have been understood by his colleague, very differently from the true meaning of the Senator from Michigan. Mr. H. said his object was to ascertain

and let the Senate understand the truth in respect to it, without entering into the discussion. He then did not understand the Senator from Michigan, (Mr. CASS,) as intending to say that the President had procured or counselled that Senator to introduce any resolutions at all, but he (Mr. CASS) had answered his colleague's (Mr. MANSUM) inquiry, by stating, that he, (Mr. CASS,) having prepared a resolution of inquiry into the condition of the public defences, and wishing to propose that resolution to the Senate, the President was only notified of the fact, by the Senator from Michigan, and asked, whether he, the President, knew of any objection to such a step; and that the President answered, that he knew of no objection to it. But beyond this the President had not been consulted in that matter. If Mr. H. had misapprehended the Senator from Michigan, he should be glad to be informed of it.

Mr. WEBSTER. What resolutions?

Mr. HAYWOOD. The resolutions which nobody opposed in the Senate, proposing an inquiry into the defences of the country—the “inevitable war” resolutions, as they are called.

Mr. CASS said he had already stated the circumstances under which the resolutions were offered. He had stated his intention of offering them to the President, and to Mr. Buchanan, and to several Senators on both sides. He had not gone into the consideration of these resolutions, in any consultation with the President; but believing it was due to the relation in which he stood to the Administration, he notified the President of his intention to offer the resolutions, and ask him whether he saw any objection to them; and he said he did not. The President expressed his general approbation of the object. He would add, that an important alteration was made in the resolutions, which he considered an improvement.

Mr. BERRIEN. By whom was the alteration made?

Mr. CASS. By Mr. Buchanan. It was a great improvement, and perhaps removed what the Senator from Georgia would have regarded as an objectionable feature. These were the facts.

Mr. ALLEN then moved that the Senate proceed to the consideration of Executive business. [Cries of “no,” “no,”—“adjourn.”]

Mr. BERRIEN remarked that there was new Executive business, which should be taken up; and then

The motion to go into Executive session was unanimously agreed to.

After some time spent in Executive session, the doors were reopened, and the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, April 13.

American Settlers in Oregon.

Mr. JAMES THOMPSON moved that the House resolve itself into Committee of the Whole on the state of the Union, (for the purpose of

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taking up the bill to protect the rights of American settlers in the territory of Oregon until the termination of the joint occupation of the same.)

So the House resolved itself into Committee of the Whole on the state of the Union, Mr. HAMLIN, of Maine, in the chair.

The bill being then read by sections, and the first section being under consideration,

Mr. McHENRY moved to amend it by inserting after the words "west of the Rocky Mountains," the words "south of the 49th parallel of north latitude."

Mr. MOH. spoke briefly in support of the amendment. He had been in favor of the notice, he said, and had so voted in every shape and form; but, upon mature reflection, he was free to say that our title beyond the 49th degree was not such as, in his estimation, would justify this House in placing itself in such a position as would almost with certainty lead to a conflict with Great Britain. If the President had asked for the various measures he had recommended, simply with the assurance of having the controversy amicably settled, he (Mr. MOH.) would be in favor of extending our laws in general terms over all that portion of territory west of the Rocky Mountains. But inasmuch as in his Message the President had assumed the position that our title to 54° 40' was clear and unquestionable, and had indicated that every measure adopted for the purpose of taking possession of the territory would be carried to that extent, he (Mr. MOH.) could not, by his vote, place in the President's hands the power to take possession of territory beyond what he believed to be clearly ours. He would not trouble the House at this time with any remarks upon the title. He thought our title to the Columbia River, and to the region drained by it, was good, and he would be willing to stand by it. He believed that the notice ought to be given for the purpose of settling that question. But he thought that we should take possession of only so much as we all conceived we had a certain title to. He thought it would be better not to go beyond that point, as to which we could all be unanimous, and as to which we all agreed that our title was undoubted. If, as some gentlemen thought, there was even now the prospect of a difficulty with one of the greatest powers of the earth, the consequences of which would be most disastrous, why should they be forced into measures which their own judgment did not approve? Was it good policy? He thought not. His amendment surrendered nothing; it did not in the slightest degree interfere with our title beyond the 49th parallel, if we had a good title to the territory beyond it. The amendment merely designated the line of 49°, as that upon which the President could receive unanimous support, and of which we could thus take possession. He (Mr. MOH.) was not disposed to condemn the President in advance; but when he said that his opinion was, that our title to 54° 40' was clear

and unquestionable, and asked Congress to take possession of that whole territory, he for one did not feel inclined to extend these measures beyond the point up to which he himself thought that our title was clear and manifest. And he adverted briefly to the bad policy of a different course of conduct. He would go as far as any man in sustaining the honor of the country. But this was a mere matter of policy. The amendment proposed the surrender of nothing. It merely said that, having got rid of the treaty of joint occupation, we would take possession of the territory so far as our title was clearly good. He would not now enter upon the question of title. If hereafter he should write out his remarks, he might state explicitly what his views on that point were.

Mr. WYATWORTH said he rose merely to make a few inquiries. He hoped he had made his last Oregon speech. Indeed, he hoped so at the last session. He came here expecting to pass Oregon and Texas both under the operation of the previous question. He hoped to make but one more speech, and he would commend it to all others, and that was "aye" on the passage of the notice and the bill.

At the last session of Congress, this House passed a bill extending jurisdiction up to 54° 40', by a vote of 140 to 59, embracing all the Democrats of this House but five, and all the South Carolina delegation but one. The Democrats opposing it were Messrs. Campbell of South Carolina, Chapman of Alabama, Coles of Virginia, Davis of New York, and Jones of Tennessee.

Now the first question he wished to ask was this: What has occurred since the adjournment of the last Congress to make our title good to only forty-nine degrees now, when it was good to fifty-four degrees and forty minutes when the House passed the bill, at the last session?

He wanted some gentleman to reply to this, if there was any gentleman who would change his extent of claim since the last session.

He now wished, in all sincerity, to have the honorable gentleman from Kentucky answer him one question; and that question was, would he vote to extend the ordinary territorial organization over all of Oregon, up to the 49th degree, by the appointment of a governor, judges, &c., &c.?

Mr. McHENRY explained that he had said he would go for every necessary measure to extend our possessions to 49°, because he believed our title was good up to that parallel. He would go for any measure, before the expiration of the year and after the notice was given, that would not interfere with our treaty stipulations; and after the year he would go to take absolute possession of the whole of that territory to which we were entitled.

Mr. JOHN A. ROCKWELL said he felt constrained to vote against the amendment proposed by his friend from Kentucky. He (Mr. R.) had understood that in the original bill which had been reported from the Committee

on the Territories, the limit of 54° 40' was designated as being the northern boundary of the territory over which we were to extend our laws. That bill had been recommitted; and he now found that that limit had been left out, and that the provisions of the present bill were these—[Mr. R. here stated the terms of the section.] The general terms only were used. He thought that we should adopt these words, and these alone. It was his opinion that there ought to be a settlement on the parallel of 49°; but he did not believe that it was the policy of the House or of Congress to pass a law or resolution fixing particular limits of negotiation. That, he thought, belonged to another department of the Government—the treaty-making power; and not to Congress in its legislative character. There were a large number of settlements, consisting of British subjects, south of 49°, and if any provision was to be adopted to interfere with the rights of persons now in that territory, we might as well extend it beyond the line of 49° as up to it. If, therefore, it was right to pass a law at all, it was right to extend it over the entire territory. Some time ago, he had endeavored to show that the British laws extended over the whole of this territory; and not only so, but over all persons residing within it, both British and American; although, so far as any action had been had, no American citizen, to his knowledge, had been made subject to these laws. The terms in the act were general terms, and they extended the laws of Canada over the entire territory. He had at the same time expressed his apprehension that the conflict of these two systems of laws over the same country would be more dangerous than any other one thing that could happen. Under these circumstances, if any law at all was to be passed, it seemed to him that there should be no limitation to any particular line; and if the Committee on Territories had, wisely as he thought, struck out the line of 54° 40', he did not think that the House should fix any. There were other provisions of the bill in respect to which he should be glad at the proper time to give his opinion. He did not think that, generally speaking, the first section could be better expressed, with the exception, perhaps, of that portion of it which spoke of the laws of the Territory of Iowa; and to that he would add, "and the laws of the United States *in relation to* the Territory of Iowa," because there were laws which in reality constituted a portion of those which governed Iowa, which were laws of the United States, and not of that Territory. If the section could be so amended as expressly to except British subjects from its operation, he would give his vote for that section.

Mr. J. Q. ADAMS addressed the committee from a position, and in a tone of voice, which we regret rendered it extremely difficult to catch his remarks at the left, of the Speaker. As far as could be heard, he spoke to the following effect:

He was inclined to move that the committee rise, for the purpose of postponing the consideration of this bill, until they knew whether any notice would be given for the termination of the joint convention of non-occupation of the year 1838.

Sir, (said Mr. A.,) it will be recollected that the first bill reported to this House on this immensely comprehensive subject of Oregon, was from the Committee on Military Affairs, and that it was before the resolution of notice was reported from the Committee on Foreign Affairs; and that when that bill was brought forward, there was a very general doubt entertained in this city, whether the Committee on Foreign Affairs would report the notice at all; and that, then, in addressing the House, I said that I considered the question of notice the first of all the measures (of which there were many) to be determined upon in reference to this subject. It was then a question whether the Committee on Foreign Affairs would report to this House the notice. In the course of a few days after that date, the resolution of notice was reported; it was debated for several weeks in this House, leaving the bills of the Committee on Military Affairs in the mean time in abeyance, as well as all other measures on the same subject. After three or four weeks of debate, highly animated, extremely eloquent on the part of the opposition to that measure, as well as of its friends, this House, by a majority of one hundred and nine votes, passed the resolution of notice.

Sir, I confess, after all that had been said in this House against that notice, upon principles of expediency, and upon any others which were brought in opposition to it, when I found a majority of this House composed of both the great political parties passing the notice by a majority more than three to one, I did hope that we should have that measure very soon disposed of, not only by this House, but by the other House. The resolution of notice has been now, I believe, more than two months under the consideration of the other branch of Congress; it passed this House on the 9th of February. And now I hear it stated that the prevailing operation in both Houses of Congress, and among the people of the nation, is immediately tending, if not already consummated, to the point that this whole business is to be terminated by proposing to Great Britain that which she has three or four times rejected with contempt—the line of 49° of north latitude.

I am told, sir, that this is so universal an opinion in this House, as well as in the other, and among the people of this country, that I am almost afraid to say that I am not for settling the question at the line of 49°. I must venture it, sir, because it is so. And now, sir, as we are told the consistency of great statesmen consists in change of opinions—which I call the philosophy of the weather-cock—I say, that if this House pass this bill, and instead of



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putting down "south of the line of 49°," as is proposed by this amendment, will say "south of latitude 54° 40'." I will vote for it. We have a convention with Russia, that we will not make settlements north of 54° 40'; and by the same convention, Russia has intimated to us that she will make no settlements south of that line.

Sir, there are perhaps the larger portion of my own constituents—certainly a large proportion of the people of this country—who would not go with me in this conviction, and who are already blaming me for having assumed, at this session, that that was the line to which we are entitled.

Sir, it is no novel opinion in me. This hand was the first that drew the line of the boundaries of this country to the southern sea, in what was called the Florida treaty. That line was first drawn from latitude 42° north, including all the possessions held by Spain, and then, by subsequent stipulations with Russia, it was limited, so far as our settlement was concerned, to the line of 54° 40'. And I beg leave to say, with respect to these boundaries, and to the boundaries of a treaty which Great Britain, within one year after ours, made with Russia, for the first time acknowledging, on her part, the line of Russia at 54° 40', that Great Britain made the same stipulations with Russia, which we had already made, and recognized the right of Russia to make settlements north of 54° 40', and stipulated with Russia that she would make no such settlements north of that line.

[Here Mr. ADAMS proceeded to examine at length the question of title.]

TUESDAY, April 14.

### *The Tariff.*

Mr. McKAY, from the Committee of Ways and Means, asked leave to report a bill.

Objection having been made—

The SPEAKER obviated the objection allowed by the rule to the introduction of business out of its regular order. He said the first business in order is the call of the committees for reports. Reports are in order from the Committee on Elections. [Much merriment.]

No reports having been made from the Committee on Elections—

The SPEAKER said: The Committee of Ways and Means.

Mr. McKAY. Mr. Speaker, I am directed by the Committee of Ways and Means to report a bill.

And the bill was read a first time by its title, as a bill to reduce duties on imports, and for other purposes.

The SPEAKER said: The second reading of a bill.

It was then read a second time by its title, and, on motion of Mr. McKAY, was referred to the Committee of the Whole on the state of the Union.

IN SENATE.

THURSDAY, April 16.

Oregon.

Mr. ALLEN rose and said, that five-and-sixty days ago, he had opened this discussion. In the intervening debate, many things had been said to which he could desire an opportunity to reply. But in view of the public interests, as well as with a becoming regard to the patience of the Senate, he would not longer protract the discussion, by a speech which might have the effect of reopening it altogether. He should waive any right that he might have to reply to arguments urged against those presented by him, or to observations which had been made in the course of the discussion, directed more against him personally than the positions which he had assumed. He should therefore fulfil the promise made by him to the Senate a few days ago, by now moving to lay upon the table the resolution reported from the Committee on Foreign Relations, and the accompanying proposition of amendment, with the view of now proceeding to the consideration of the resolution sent to the body from the House of Representatives, entitled "A joint resolution of notice to Great Britain, to annul and abrogate the convention," and so forth. This motion he made, not because he preferred the House resolution to that reported from the Committee on Foreign Relations. The very fact of having acquiesced in that resolution, and reported it, was a declaration of his own preference for it, as reported, and also of the preference of a majority of the Committee on Foreign Relations. But he should, nevertheless, make the motion to take up the House resolution first, because upon that resolution the Senate was obliged to act; and secondly, because, although the latter clause of that resolution was objectionable to him, he was willing to vote for it as it stood, in deference to the House of Representatives, who had sent it there by so large and overwhelming a vote; and still farther, because the adoption of that resolution as it stood, by putting an end to the matter, would, in all probability, be followed by the sanction and signature of the President; whereas, if amended, and reported back, or if they passed the resolution of the Committee on Foreign Relations, the whole matter would be again sent to the House, and the question exposed to the danger of delay from a renewal of the discussion there, probably resulting in a conflict between the two Houses themselves as to the form of the notice. These, then, were the reasons which induced him to offer the motion which he now made.

The motion to lay on the table was then agreed to.

Mr. ALLEN then moved that the Senate proceed to the consideration of the House resolution.

Which having been agreed to,  
The House resolution was read, as follows:

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"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States cause notice to be given to the Government of Great Britain that the convention between the United States of America and Great Britain concerning the territory on the north-west coast of America, west of the Stony Mountains, of the 6th of August, 1827, signed at London, shall be annulled and abrogated twelve months after giving said notice.

"2. And be it further resolved, That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory."

Mr. R. JOHNSON then said he rose to propose two amendments to the resolution. The first was as follows:

"That by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the north-west coast of America, westward of the Stony or Rocky Mountains, now commonly called the Oregon territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be 'free and open' to the vessels, citizens, and subjects, of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision, in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party,—that it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled; and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries. And, therefore, that steps be taken for the abrogation of the said convention of the sixth August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the Governments of both countries may be the more earnestly and immediately directed to renewed efforts for the amicable settlement of all their differences and disputes in respect to said territory."

It would be perceived (Mr. J. said) that what he had read was precisely the preamble submitted by the Senator from Kentucky, (Mr. ORTENDEN,) on the 14th of January, with the slight alteration of inserting the word "amicable" before the word "settlement." And if that preamble was adopted, his purpose was to

move to strike out the whole of the second resolution adopted by the House, and substitute for it the following:

"And be it further resolved, That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the British Government the notice required by its said second article for the abrogation of the said convention of the 6th August, 1827."

This, also, was identical with that offered by the Senator from Kentucky, only that the whole of the proviso is struck out.

A brief conversation on a point of order, in which Messrs. ALLEN, CALHOUN, SEVIER, and MANGUM, took part.

Mr. ALLEN rose and said he had an amendment to offer to the amendment submitted by the gentleman from Maryland, (Mr. JOHNSON,) the terms of which he had extracted from the President's Message, and pointing directly to the necessity of the resolution itself. His amendment was as follows:

After "has" in the 21st line, insert, "become the duty of Congress to consider what measures it may be proper to adopt for the security and protection of American citizens now inhabiting, or who may hereafter inhabit Oregon, and for the maintenance of our just title to that territory."

He asked for the yeas and nays on that amendment.

Mr. PENNYBAKER then rose for the purpose of making an explanation of the vote which he was about to give. His position, and the surrounding excitement from the general impatience for the question, rendered it impossible to catch the language of his remarks. Their purport was to show his conviction that if the notice was committed to the discretion of the President, he would feel himself enabled to enter into negotiations with Great Britain, on the principle of a compromise on the parallel of 49°, and that he had not, in any of his public communications, placed himself in a position which disabled him from taking this course. When the amendment of Mr. Colquitt was introduced, he (Mr. P.) was disposed to vote for it, because it seemed to be coincident with what he thought to be the views of the President, which would be strengthened by such an expression of the opinion of the Senate. But seven weeks had elapsed, and the debates on this floor had produced such a favorable effect on the public mind, that he was satisfied public opinion had sufficiently expressed itself in favor of that compromise, without any specific expression from the Senate. He would now, therefore, vote for the resolution as it came from the House of Representatives: he might have suggested a slight amendment, but he would not now press it on the Senate.

When the honorable Senator resumed his seat, there were loud cries of "question," "question."

The question then occurring on the amendment offered by Mr. ALLEN, the yeas and nays

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were called for, ordered, and resulted as follows:

**YEAS.**—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Cameron, Cass, Chalmers, Dickinson, Dix, Fairfield, Hannegan, Jenness, Niles, Semple, Sevier, Sturgeon, Turney, and Westcott—22.

**NAYS.**—Messrs. Archer, Barrow, Berrien, Calhoun, T. Clayton, J. M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Haywood, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Pennybacker, Phelps, Rusk, Simmons, Speight, Upham, Webster, and Woodbridge—32.

So the amendment was rejected.

The question recurring on the amendment offered by Mr. JOHNSON, it was put, and, on a division, was carried.

Mr. SEVIER called for the yeas and nays, and the call being seconded, they were ordered, when

Mr. DICKINSON inquired if the proviso contained in the amendment as originally proposed by the Senator from Kentucky had been stricken out?

Mr. JOHNSON replied that it had.

Mr. BRESEE objected to the words in the last clause of the amendment, "at his discretion," and moved as an amendment that they be struck out.

Mr. BERRIEN remarked, that even if the amendment of the Senator from Illinois prevailed, the purport of the resolution would not be changed.

Mr. BRESEE said he intended, if his amendment succeeded, to follow it up by another, inserting, "authorized and directed to give the British Government the notice," &c.

Ories of "question."

The question on the adoption of the amendment moved by Mr. BRESEE was then put and negatived.

The yeas and nays were then ordered, on the call of Mr. ALLEN, and resulted as follows:

**YEAS.**—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Breese, Bright, Cameron, Cass, Dickinson, Dix, Fairfield, Hannegan, Houston, Jenness, Niles, Pennybacker, Rusk, Semple, Sevier, Sturgeon, and Turney—22.

**NAYS.**—Messrs. Archer, Barrow, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Haywood, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Phelps, Simmons, Speight, Upham, Webster, and Woodbridge—32.

So the amendment was rejected.

The question was then taken on the original amendment, offered by the Senator from Maryland; and the yeas and nays being called for and ordered, it was decided as follows:

**YEAS.**—Messrs. Archer, Barrow, Berrien, Calhoun, Thomas Clayton, John M. Clayton, Corwin,

Crittenden, Davis, Dayton, Evans, Greene, Haywood, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Phelps, Simmons, Speight, Upham, Webster, Westcott, and Woodbridge—30.

**NAYS.**—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Cameron, Cass, Chalmers, Dickinson, Dix, Fairfield, Hannegan, Houston, Jenness, Niles, Pennybacker, Rusk, Semple, Sevier, Sturgeon, and Turney—24.

The resolution, as amended, was then reported to the Senate; and the question being on concurring in its adoption—

The question was called on engrossing the resolution and ordering it to a third reading.

It was put and decided in the affirmative.

The yeas and nays were then called for and ordered.

Mr. CHALMERS asked the effect of the vote.

Mr. SEVIER replied that it would be tantamount to a final vote.

The yeas and nays were then taken, and resulted as follows:

**YEAS.**—Messrs. Archer, Ashley, Atherton, Bagby, Barrow, Benton, Berrien, Calhoun, Cameron, Chalmers, J. M. Clayton, Corwin, Crittenden, Davis, Dayton, Dix, Greene, Haywood, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, and Woodbridge—40.

**NAYS.**—Messrs. Allen, Atchison, Breese, Bright, Cass, Thomas Clayton, Dickinson, Evans, Fairfield, Hannegan, Jenness, Semple, Sturgeon, and Westcott—14.

So the resolution was ordered to be engrossed, and read a third time.

The joint resolution was then read a third time and passed without a division.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, April 17.

Oregon.

A message was received from the Senate, by the hands of A. Dickins, Esq., Secretary, informing the House that the Senate had passed the joint resolution of notice to Great Britain to annul and abrogate the convention between the United States and Great Britain, of the 6th day of August, 1827, relative to the country on the north-west coast of America, westward of the Stony Mountains, commonly called Oregon, with an amendment, in which the concurrence of the House was asked.

SATURDAY, April 18.

*The Notice.*

On motion of Mr. BOYD, the House proceeded to the consideration of the message received

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from the Senate in relation to the joint resolution of notice.

The resolutions, as they passed this House, and as sent to the Senate, were in the following form :

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States cause notice to be given to the Government of Great Britain, that the convention between the United States of America and Great Britain, concerning the territory on the north-west coast of America, west of the Stony Mountains, of the 6th of August, 1827, signed at London, shall be annulled and abrogated twelve months after giving said notice.

2. *And be it further resolved,* That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory.

The Senate had stricken out all of the said resolutions, and had substituted the following :

*"Resolved, &c.,* That by the convention concluded the twentieth day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord, one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the north-west coast of America, westward of the Stony or Rocky Mountains, now commonly called the Oregon territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be 'free and open' to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party,—that it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled; and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdiction, dangerous to the cherished peace and good understanding of the two countries. And, therefore, that steps be taken for the abrogation of the said convention of the sixth August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the Governments of both countries may be the more earnestly and immediately directed to renewed efforts for the amicable settlement of all their differences and disputes in respect to said territory.

*"And be it further resolved,* That the President of the United States be, and he is hereby, authorized, at his discretion, to give to the British Government the notice required by its said second

article for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven."

And the question now was, "Will the House concur in the amendment of the Senate to the said resolutions?"

Mr. OWEN moved to amend the amendment of the Senate by substituting for the following words, to wit :

"Earnestly and immediately directed to renewed efforts for the amicable settlement of all their differences and disputes in respect to said territory,"

The following words :

"Be the more earnestly directed to the importance of a speedy adjustment of all their differences and disputes in respect to said territory."

And also to amend by striking out the second section of the resolutions, and inserting the following :

*"And be it further resolved,* That the President of the United States is authorized and requested to give to the British Government the notice required by its said second article for the abrogation of the said convention of the 6th of August, 1827."

And on this motion, Mr. OWEN demanded the previous question.

The demand for the previous question was seconded, and the main question was ordered to be now taken.

So the amendment of Mr. OWEN was agreed to.

And the question now being on concurring in the amendment of the Senate as thus amended—

Mr. BAYLY asked the yeas and nays, which were ordered, and, being taken, resulted as follows :

YEAS.—Messrs. John Quincy Adams, Stephen Adams, Anderson, Atkinson, Barringer, Bell, Benton, Biggs, James Black, James A. Black, Blanchard, Bowlin, Boyd, Brockenbrough, Brodhead, Milton Brown, William G. Brown, William W. Campbell, John H. Campbell, Carroll, Cathcart, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Cocke, Crozier, Callom, Cummins, Cunningham, Daniel, Dargan, Jefferson Davis, De Mott, Dillingham, Dixon, Dobbin, Douglas, Dunlap, Edsall, Erdman, John H. Ewing, Ficklin, Foster, Fries, Garvan, Gentry, Giles, Goodyear, Gordon, Graham, Gridler, Grover, Hamlin, Haralson, Harmanson, Harper, Henley, Hilliard, Hoge, Elias B. Holmes, Hopkins, Hough, Samuel D. Hubbard, Washington Hunt, James B. Hunt, Charles J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Kennedy, Lawrence, La Sere, Lewis, Ligon, Lumpkin, Macay, McClelland, McClelland, McCrate, Joseph J. McDowell, James McDowell, McHenry, McKay, John P. Martin, Barkley Martin, Morris, Morse, Norris, Owen, Parrish, Payne, Perrill, Pettit, Phelps, Pollock, Price, Rathbun, Reid, Reife, Ritter, Roberts, Julius Rockwell, Root, Runk, Sawtelle, Sawyer, Scammon, Schenck, Seaman, Severance, Leonard H. Sims, Truman Smith, Albert Smith, Thos. Smith, Robert Smith, Stanton, Starkweather, Stewart, St. John, Strohm, Strong, Sykes, Thomason, James Thompson, Jacob Thompson, Thurman, Tibbatts, Tilden, Tredway, Trumbo, Wentworth, Wheaton,

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*The Independent Treasury Bill.*

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White, Wick, Williams, Wilmot, Wood, Woodruff, and Yell—144.

**YEAS.**—Messrs. Abbott, Arnold, Bayly, Bedinger, Burt, John G. Chapman, Augustus A. Chapman, Collamer, Cranston, Garrett Davis, Dockery, Dromgoole, Edwin H. Ewing, Faran, Foot, Grinnell, Isaac E. Holmes, Edmund W. Hubbard, Hudson, Hunter, Joseph R. Ingersoll, Thos. B. King, Long, McGaughey, Marsh, Miller, Moseley, Niven, Pendleton, John A. Rockwell, Seddon, Simpson, Caleb B. Smith, Stephens, Thibodeaux, Vinton, Winthrop, Woodward, Wright, and Yancey—40.

So the resolutions of the Senate, as amended by the amendment of Mr. OWEN, were concurred in.

## IN SENATE.

MONDAY, April 20.

*The Joint Resolution of "Notice."*

The amendment to the joint resolution of "notice," as reported from the House of Representatives, was then taken up and read.

Mr. ALLEN then moved that the Senate agree to the amendment of the House.

Mr. MANGUM asked for the yeas and nays.

The yeas and nays were then taken on Mr. ALLEN's motion to concur, and resulted as follows:

**YEAS.**—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Benton, Breese, Bright, Cameron, Cass, Dickinson, Dix, Fairfield, Houston, Jenness, Niles, Pennybacker, Rusk, Sample, Sevier, and Turney—21.

**NAYS.**—Messrs. Archer, Barrow, Berrien, Calhoun, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Evans, Greene, Haywood, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Phelps, Speight, Upham, Webster, Westcott, Woodbridge, and Yulee—29.

So the motion to concur in the House amendment was lost.

## HOUSE OF REPRESENTATIVES.

MONDAY, April 20.

*The Notice.*

A message was received from the Senate by A. Dickens, Esq., Secretary, informing the House that the Senate had disagreed to the amendment of the House to the amendment of the Senate to the joint resolution of the House, entitled "Joint resolution of notice to Great Britain to annul and abrogate the convention between Great Britain and the United States, of August 6th, 1827, relative to the country on the north-west coast of America, westward of the Stony Mountains, commonly called Oregon."

Mr. OWEN moved that the House proceed to the consideration of the said message from the Senate.

Which motion having been agreed to—

The message was taken up.

The SPEAKER said:

The question is on the motion of the gentle-

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man from Tennessee, (Mr. GENTRY :) "Will the House *recede* from its amendment to the amendment of the Senate?"

The yeas and nays thereon were ordered, and, after some conversation on the effect of the vote on subsequent proceedings, were taken, and resulted as follows: yeas 85, nays 95.

So the House decided that it would *not* recede from its amendment to the amendment of the Senate.

Whereupon the question recurred on the motion of Mr. ROBERTS, to wit:

"Will this House *insist* on its amendment to the amendment of the Senate?"

And the main question, "Will this House *insist* on its amendment to the amendment of the Senate?" was then taken, and resulted as follows: yeas 101, nays 82.

## IN SENATE.

TUESDAY, April 21.

The following message was received from the House of Representatives:

Mr. PRESIDENT: The House of Representatives insist on their amendment to the amendment of the Senate to the joint resolution of notice to Great Britain to annul and abrogate the convention between Great Britain and the United States, of the 6th of August, 1827, relative to the country on the north-west coast of America westward of the Rocky Mountains. They ask a conference on the disagreeing votes of the two Houses, and have appointed Mr. C. J. INGERSOLL, Mr. OWEN, and Mr. HILLIARD, managers to conduct the said conference on their part.

Mr. ALLEN rose and moved that the Senate now proceed to take up the message from the House of Representatives.

The motion to recede was lost.

Mr. HAYWOOD then moved that the Senate proceed to the appointment of a committee of conference.

Messrs. BERRIEN, CORWIN, and HAYWOOD, were declared to be elected, and the President announced that they constituted the committee of conference with that of the other House.

WEDNESDAY, April 22.

*The Independent Treasury Bill.*

Mr. WEBSTER rose and said: Mr. President, I daily receive so many letters making inquiries touching the probable progress of one of the measures now before the Senate, that I desire to ask, very respectfully, a question or two of the committee who have charge of it. I refer, sir, to the subject of the Independent Treasury bill, sometimes called the sub-treasury bill. I am no panic-maker. I desire to prevent panics, to allay apprehensions. The country in general is prosperous, and I desire, as far as I am able, to prevent agitation and disturbance in its finan-

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cial affairs. I will therefore address myself to the chairman of the Committee on Finance, and beg him most respectfully (hoping that he will not find an answer to be inconsistent with his public duty) to say how soon it may be expected that the committee will report on that important measure; whether the committee has so far advanced in the consideration of the bill that he is now able to say whether they will report the bill with or without amendment, and if with amendments, if he can now intimate what those amendments are? This information must necessarily be exceedingly useful to the public. And I will also ask if he will be so obliging as to state at what period the subject will come up for consideration? This last question is not unimportant in itself, but to me it is especially important, because I shall shortly have occasion to be absent for a few days.

Mr. Lewis said: I am happy, Mr. President, to have it in my power to reply to the questions of the distinguished Senator from Massachusetts, so far as the Committee on Finance have had the subject under consideration. I cannot, however, say at what time the sub-treasury bill will be reported back to the Senate. The committee have determined to give precedence, in the action of the Senate, to a bill reported by the honorable Senator from New York (Mr. Dix) for establishing a warehousing system. This bill has been urged on the committee by commercial men as a remedial measure, in its tendency strongly calculated to relieve any pressure which might otherwise result from a precipitate or sudden introduction of the specie clauses of the sub-treasury. In addition to the warehousing bill, the committee propose to precede action on the sub-treasury by bills to establish branch mints at Charleston and New York—measures which have also been urged, from respectable commercial sources, as in their tendency calculated to facilitate the introduction of specie payments into the treasury. So far as any or all of these measures are calculated to allay apprehension in the public mind, they will receive the cordial support of the committee.

It is certain, sir, that, from the very reason we have not now a sub-treasury in operation, large amounts of public money have accumulated in deposit in the banks. This amount—not less than eleven or twelve millions—has become the basis of a much larger paper circulation, while reception of paper money in the dues of the Government has, in addition to other causes, considerably expanded the aggregate circulation of this country, so much so as to create an adverse state of foreign exchanges, and at a time, too, when the monetary condition of England is far from being settled and easy.

Under these circumstances, the committee, while a majority of them are in every way favorable to what they believe the only constitutional mode of collecting, depositing, and disbursing what they believe to be the only

currency known to the constitution, are most anxious that this change shall be effected in a manner to produce as little pressure as possible on the commercial community. To prepare for this result, and to avoid any consequences from the too sudden introduction of the sub-treasury, we have, after full deliberation, *with entire unanimity*, determined that the specie clause shall *in no event* be reported to go into effect sooner than the first of January next.

So far as this course, on the part of the committee, is calculated to allay apprehension, I am happy in being able to furnish the honorable gentleman the information he asks.

### Oregon Notice.

THURSDAY, April 23.

Mr. BERRIEN, from the Committee of Conference on the part of the Senate on the disagreeing vote of the two Houses on the question of notice to Great Britain for terminating the treaty of joint occupation of the Oregon territory, reported as follows:

The Committee of Conference on the part of the Senate on the disagreeing vote of the two Houses on the joint resolution of the House of Representatives, entitled "Joint resolution of notice to Great Britain to annul and abrogate the convention between Great Britain and the United States of the 6th August, 1827, relative to the country on the north-west coast of America westward of the Stony Mountains, commonly called Oregon," respectfully report:

That they have met the conferees on the part of the House of Representatives, and, after free and full conference upon the subject of said disagreeing votes, the joint conferees have unanimously agreed to recommend, and do recommend, to the respective Houses, as follows:

That the first section of the amendment of the Senate to the original resolution of the House be so amended as to be, in form, a preamble to the second section of the said amendment.

And, that the Senate and House of Representatives respectively recede from their disagreements to the amendment and amendment to the amendment of the original resolution of the House, and mutually agree to substitute therefor the following joint resolution:

### JOINT RESOLUTION concerning the Oregon territory.

"Whereas, by the convention concluded the 20th day of October, eighteen hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterwards indefinitely extended and continued in force, by another convention of the same parties, concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the north-west coast of America westward of the Stony or Rocky Mountains, now commonly called the Oregon territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be 'free and open to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country;

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Oregon.

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and with this further provision, in the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, that either party might abrogate and annul said convention, on giving due notice of twelve months to the other contracting party:

"And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries:

"With a view therefore, that steps be taken for the abrogation of the said convention of the sixth of August, eighteen hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the Governments of both countries may be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of the differences and disputes in regard to the said territory—

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the Government of Great Britain the notice required by the second article of the said convention of the sixth of August, eighteen hundred and twenty-seven, for the abrogation of the same."*

JOHN MACPHERSON BERRIEN,  
THOMAS CORWIN,  
WM. H. HAYWOOD, Jr.,  
*Committee on the part of the Senate.*  
O. J. INGERSOLL,  
ROBERT DALE OWEN,  
HENRY W. HILLIARD,  
*Committee on the part of the House.*

The report having been read, Mr. BERRIEN submitted the following resolution, viz:

*Resolved, That the Senate agree to the report of the Committee of Conference, and that the joint resolution of the House of Representatives be amended accordingly.*

On the question of concurring in the report, the yeas and nays were ordered, and, being taken, resulted as follows:

YEAS.—Messrs. Archer, Ashley, Atherton, Bagby, Barrow, Benton, Berrien, Calhoun, Cameron, Thomas Clayton, John M. Clayton, Colquitt, Corwin, Crittenden, Davis, Dix, Evans, Greene, Haywood, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Ruak, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, Yulee—42.

NAYS.—Messrs. Allen, Atchison, Breese, Bright, Cass, Dickinson, Fairfield, Jenness, Semple, Westcott—10.

## HOUSE OF REPRESENTATIVES.

THURSDAY, April 23.

*The Notice.*

A message was received from the Senate, by the hands of A. Dickins, Esq., informing the

House that the Senate had agreed to the report of the Committee on Conference (made to the Senate by the said committee on their part) upon the joint resolution of the House of notice to Great Britain to annul and abrogate the convention of the 6th of August, 1827, relative to the country on the north-west coast of America, westward of the Stony Mountains, commonly called Oregon.

By general consent,

Mr. O. J. INGERSOLL, from the Committee on the part of this House, made the report, which he read himself at the Clerk's table:

Mr. I. concluded by offering the following resolution:

*Resolved, That the House agree to the report of the Committee of Conference, and that the joint resolution of the House of Representatives be amended accordingly.*

Mr. McCLERNAND asked to be excused from voting; and leave being given, he said:

Mr. SPEAKER: I find myself in some difficulty. If I vote to concur, it will be contrary to my inclination and judgment—if I vote to non-concur, I may be supposed to be opposed to "notice" in any form, which is not the fact. This is the situation in which I am placed by the report of the "committee of conference." I wish it was otherwise. The report presents several difficulties. It conflicts with propriety and sound policy. The President, at the commencement of the present Congress, informed us, in his Annual Message, that he offered to compromise the Oregon controversy upon the 49th parallel of latitude, as the dividing line between the American and British possessions upon the north-west coast. This offer, he said was made under the *moral constraint* of the acts of his predecessors. It was rejected; and he then, in accordance with his own inclination and judgment, affirmed our title to the whole territory in dispute by irrefragable facts and arguments. This was the final and voluntary position assumed by the President in view of all the circumstances of the case. In support of this position, a resolution of notice was introduced into this body, and after full debate, was triumphantly passed by it. The resolution contained an affirmative and a negative clause. It operated *per se* to abrogate the convention, and it disclaimed the intention and the propriety of legislative interference with the treaty-making power. It went to the Senate, and there it was amended—and how? By the substitution of another for it. By substituting a virtual instruction upon the President to re-offer the 49th parallel; and, if necessary to prevent war, the navigation of the Columbia River; and a discretionary power to give or withhold the notice. Thus amended, it came to the House, and the House, no doubt upon the ground stated, rejected it. The exceptionable words were these—that it directed "*renewed efforts*" of compromise to be made, and authorized the President, "*at his discretion*," to give the notice.

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President's Message—Mexico.

[29TH CONG.]

A committee of conference was appointed, and this committee has reported—what? The restoration of the House resolution? No. The Senate amendment? Yes; in substance and almost in identical words. "Measures" of compromise are substituted for "efforts" of compromise, and the notice is left, as before, at the "discretion" of the President. How then, sir, can I, who am unwilling to yield an inch of the Oregon territory—who voted to reject the Senate amendment—who voted against this "committee of conference"—anxious as I am for notice—how, I say, can I consistently vote for concurring in the report?

The report is more objectionable than the Senate amendment. The latter only instructed the President to renew efforts left off—efforts to compromise upon the 49th parallel. The former instructs him to "*adopt measures*"—any measures of amicable compromise, whether upon the 49th parallel, or south of that line. If the Senate were willing to concede substance, why did they not concede more than a mere word? Why did they insist upon equivalent terms?

Sir, I am opposed to the report, because it is deceptive; because it, in effect, instructs the President to avert war by any sacrifice of territory or territorial right; because, having made the last offer of compromise, we cannot now renew the offer consistently with our own dignity and self-respect; because it is incumbent on Great Britain to make the next offer; and because, too, we have no right to direct the President, or the treaty-making power, how they shall compromise. We may abrogate the treaty, but we cannot control the action of the treaty-making power. By the adoption of the report, you place the President in the dilemma of disregarding the instructions of Congress to compromise by concession, or of violating his plighted faith to the people to maintain the whole. By seeking to throw upon him the responsibility of giving or withholding the notice, you degrade a great national question to a miserable party level. Who is there here who would shrink from the responsibility of doing his duty? Who would not covet the glory of sharing such a responsibility?

Mr. Speaker, I will take the hazard of being misunderstood and will vote my convictions of duty. I withdraw my motion.

The main question was then taken, and resulted as follows:

YEAH.—Messrs. John Quincy Adams, Stephen Adams, Arnold, Ashmun, Atkinson, Barringer, Bayly, Bedinger, Bell, Biggs, James A. Black, Bowlin, Boyd, Brockenbrough, Broadhead, Milton Brown, Buffington, Burt, W. W. Campbell, J. H. Campbell, Carroll, J. G. Chapman, A. A. Chapman, R. Chapman, Chase, Clarke, Cocke, Collamer, Collins, Constable, Cranston, Crozier, Cullom, Daniel, Dargan, Garrett Davis, Jefferson Davis, Delano, Dillingham, Dixon, Dobbin, Dockery, Dunlap, Erdman, John H. Ewing, Edwin H. Ewing, Foot, Foster, Garvin, Gentry, Giles, Goodyear, Graham, Gridler,

Grinnell, Grover, Hamlin, Hampton, Haralson, Harper, Herrick, Hillard, E. B. Holmes, I. E. Holmes, Hopkins, Hough, Edmund W. Hubbard, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt, Hunter, Charles J. Ingersoll, Joseph R. Ingersoll, Joseph Johnson, George W. Jones, Seaborn Jones, D. P. King, T. B. King, Lawrence, Leake, Lewis, Levin, Ligon, Lumpkin, Maclay, McConnell, McCrate, James McDowell, McGaughey, McHenry, McIlvaine, McKay, Marsh, John P. Martin, Barkley Martin, Miller, Morse, Moseley, Owen, Payne, Pendleton, Phelps, Pollock, Price, Ritter, Roberts, Julius Rockwell, John A. Rockwell, Root, Runk, Sawtelle, Schenck, Seaman, Seddon, Severance, Simpson, Truman Smith, Albert Smith, C. B. Smith, Stanton, Stephens, Stewart, Strohm, Strong, Sykes, Thomasson, B. Thompson, Jacob Thompson, Tilden, Trumbo, Vance, Vinton, White, Williams, Wood, Woodruff, Woodward, Wright, Yancey, Yell, and Yost—142.

NAYS.—Messrs. Anderson, William G. Brown, Cathcart, Chipman, Cobb, Cummins, Cunningham, De Mott, Douglas, Faran, Ficklin, Fries, Gordon, Harmanson, Henley, Hoge, George S. Houston, James B. Hunt, James H. Johnson, Andrew Johnson, Kennedy, Preston King, Leib, McClelland, McClernand, Morris, Moulton, Norris, Parrish, Perrill, Pettit, Rathbun, Reid, Relfe, Sawyer, Scammon, Leonard H. Sims, Thomas Smith, Robert Smith, Starkweather, St. John, Thurman, Tibbatts, Wentworth, Wheaton, and Wick—46.

So the House agreed to the report of the Committee of Conference, and the joint resolution of the House was amended accordingly.

#### IN SENATE.

MONDAY, May 11.

#### President's Message—Mexico.

A Message was received from the President of the United States, by Mr. Walker his Private Secretary, which was read by the Secretary of the Senate, as follows:

#### To the Senate and House of Representatives:

The existing state of the relations between the United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. In my Message at the commencement of your present session, the state of these relations, the causes which led to the suspension of diplomatic intercourse between the two countries in March, 1845, and the long-continued and unredressed wrongs and injuries committed by the Mexican Government on citizens of the United States in their persons and property, were briefly set forth.

As the facts and opinions which were then laid before you were carefully considered, I cannot better express my present convictions of the condition of affairs up to that time, than by referring you to that communication.

The strong desire to establish peace with Mexico, on liberal and honorable terms, and the readiness of this Government to regulate and adjust our boundary, and other causes of difference with that power, on such fair and equitable principles as would lead to permanent relations of the most friendly nature, induced me in September last to seek the reopening of diplomatic relations between



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the two countries. Every measure adopted on our part had for its object the furtherance of these desired results. In communicating to Congress a succinct statement of the injuries which we had suffered from Mexico, and which have been accumulating during a period of more than twenty years, every expression that could tend to inflame the people of Mexico, or defeat or delay a pacific result, was carefully avoided. An Envoy of the United States repaired to Mexico with full powers to adjust every existing difference. But though present on the Mexican soil, by agreement between the two Governments, invested with full powers, and bearing evidence of the most friendly dispositions, his mission has been unavailing. The Mexican Government not only refused to receive him, or listen to his propositions, but after a long-continued series of menaces, have at last invaded our territory and shed the blood of our fellow-citizens on our own soil.

It now becomes my duty to state more in detail the origin, progress, and failure of that mission. In pursuance of the instructions given in September last, an inquiry was made, on the 18th of October, in 1845, in the most friendly terms, through our consul in Mexico, of the Minister of Foreign Affairs, whether the Mexican Government "would receive an envoy from the United States intrusted with full powers to adjust all the questions in dispute between the two Governments;" with the assurance that "should the answer be in the affirmative, such an envoy would be immediately despatched to Mexico." The Mexican Minister, on the 15th of October, gave an affirmative answer to this inquiry, requesting, at the same time that our naval force at Vera Cruz might be withdrawn, lest its continued presence might assume the appearance of menace and coercion pending the negotiations. This force was immediately withdrawn. On the 10th of November, 1845, Mr. John Slidell, of Louisiana, was commissioned by me as Envoy Extraordinary and Minister Plenipotentiary of the United States to Mexico, and was intrusted with full powers to adjust both the questions of the Texas boundary and of indemnification to our citizens. The redress of the wrongs of our citizens naturally and inseparably blended itself with the question of boundary. The settlement of the one question in any correct view of the subject involves that of the other. I could not, for a moment, entertain the idea that the claims of our much-injured and long-suffering citizens, many of which had existed for more than twenty years, should be postponed, or separated from the settlement of the boundary question.

Mr. Slidell arrived at Vera Cruz on the 30th of November, and was courteously received by the authorities of that city. But the Government of General Herrera was then tottering to its fall. The revolutionary party had seized upon the Texas question to effect or hasten its overthrow. Its determination to restore friendly relations with the United States, and to receive our Minister, to negotiate for the settlement of this question, was violently assailed, and was made the great theme of denunciation against it. The Government of General Herrera, there is good reason to believe, was sincerely desirous to receive our Minister; but it yielded to the storm raised by its enemies, and on the 21st of December refused to accredit Mr. Slidell upon the most frivolous pretexts. These are so

fully and ably exposed in the note of Mr. Slidell of the 24th of December last, to the Mexican Minister of Foreign Relations, herewith transmitted, that I deem it unnecessary to enter into further detail on this portion of the subject.

Five days after the date of Mr. Slidell's note, General Herrera yielded the Government to General Paredes without a struggle, and on the 30th of December resigned the Presidency. This revolution was accomplished solely by the army, the people having taken little part in the contest; and thus the supreme power in Mexico passed into the hands of a military leader.

Determined to leave no effort untried to effect an amicable adjustment with Mexico, I directed Mr. Slidell to present his credentials to the Government of General Paredes, and ask to be officially received by him. There would have been less ground for taking this step had General Paredes come into power by a regular constitutional succession. In that event his Administration would have been considered but a mere constitutional continuance of the Government of General Herrera, and the refusal of the latter to receive our Minister would have been deemed conclusive, unless an intimation had been given by General Paredes of his desire to reverse the decision of his predecessor.

But the Government of General Paredes owes its existence to a military revolution, by which the subsisting constitutional authorities had been subverted. The form of Government was entirely changed, as well as all the high functionaries by whom it was administered.

Under these circumstances, Mr. Slidell, in obedience to my direction, addressed a note to the Mexican Minister of Foreign Relations, under date of the 1st of March last, as king to be received by that Government in the diplomatic character to which he had been appointed. This Minister, in his reply, under date of the 12th of March, reiterated the arguments of his predecessor, and, in terms that may be considered as giving just grounds of offence to the Government and people of the United States, denied the application of Mr. Slidell. Nothing, therefore, remained for our Envoy but to demand his passports, and return to his own country.

Thus the Government of Mexico, though solemnly pledged by official acts in October last to receive and accredit an American envoy, violated their plighted faith, and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the Envoy, who came because they had bound themselves to receive him. Nor can it be said that the offer was fruitless from the want of opportunity of discussing it: our Envoy was present on their own soil. Nor can it be ascribed to a want of sufficient powers: our Envoy had full powers to adjust every question of difference. Nor was there room for complaint that our propositions for settlement were unreasonable: permission was not even given our Envoy to make any proposition whatever. Nor can it be objected that we, on our part, would not listen to any reasonable terms of their suggestion: the Mexican Government refused all negotiation, and have made no proposition of any kind.

In my message at the commencement of the present session, I informed you that, upon the

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earnest appeal both of the Congress and convention of Texas, I had ordered an efficient military force to take a position "between the Nueces and the Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas has determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union; and, under these circumstances, it was plainly our duty to extend our protection over her citizens and soil.

This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our Envoy.

Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas by its act of December 19th, 1836, had declared the Rio del Norte to be the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the Convention of Texas, had thus taken part in the act of annexation itself, and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31st, 1845, recognized the country beyond the Nueces as a part of our territory by including it within our own revenue system; and a revenue officer, to reside within that district, has been appointed by and with the advice and consent of the Senate. It became, therefore, of urgent necessity to provide for the defence of that portion of our country. Accordingly, on the thirteenth of January last, instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river—which is the south-western boundary of the State of Texas—is an exposed frontier. From this quarter invasion was threatened; upon it and in its immediate vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the Government. In addition to this important consideration, several others occurred to induce this movement. Among these are facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte for the reception of supplies by sea, the stronger and more healthful military positions, the convenience for obtaining a ready and a more abundant supply of provisions, water, fuel, and forage, and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the Commanding General, under positive instructions to abstain from all aggressive acts towards Mexico, or Mexican citizens, and to regard the relations between that Republic and the United States as peaceful, unless she should declare war, or commit acts of hostility indicative of a state of war. He was specially directed to protect private property and respect personal rights.

The army moved from Corpus Christi on the 11th of March, and on the 28th of that month arrived on the left bank of the Del Norte, opposite to Matamoras, where it encamped on a commanding position, which has since been strengthened by the

erection of field works. A depôt has also been established at Point Isabel, near the Brazos Santiago, thirty miles in rear of the encampment. The selection of his position was necessarily confined to the judgment of the general in command.

The Mexican forces at Matamoras assumed a belligerent attitude, and on the 12th of April, General Ampudia, then in command, notified General Taylor to break up his camp, within twenty-four hours, and to retire beyond the Nueces River; and in the event of his failure to comply with these demands, announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day, General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced, and should prosecute them." A party of dragoons of sixty-three men and officers were on the same day despatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed, or were preparing to cross, the river, "became engaged with a large body of these troops, and after a short affair, in which some sixteen were killed and wounded, appear to have been surrounded and compelled to surrender."

The grievous wrongs perpetrated by Mexico upon our citizens throughout a long period of years, remain unredressed; and solemn treaties, pledging her public faith for this redress, have been disregarded. A Government either unable or unwilling to enforce the execution of such treaties, fails to perform one of its plainest duties.

Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations; but our merchants have been deterred from prosecuting it, by the system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own Government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should doubtless have escaped all the difficulties in which we are now involved.

Instead of this, however, we have been exerting our best efforts to propitiate her good will. Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, she has affected to believe that we have severed her rightful territory, and, in official proclamations and manifestoes, has repeatedly threatened to make war upon us, for the purpose of reconquering Texas. In the mean time, we have tried every effort at reconciliation. The cup of forbearance had been exhausted, even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called upon, by every consideration of duty and patriotism, to vindicate, with decision, the honor, the rights, and the interests of our country. Anticipating the possibility of a crisis like that

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which has arrived, instructions were given in August last, "as a precautionary measure," against invasion, or threatened invasion, authorizing General Taylor, if the emergency required, to accept volunteers, not from Texas only, but from the State of Louisiana, Alabama, Mississippi, Tennessee, and Kentucky; and corresponding letters were addressed to the respective Governors of those States. These instructions were repeated; and in January last, soon after the incorporation of "Texas into our union of States," General Taylor was further "authorized by the President to make a requisition upon the Executive of that State for such of its militia force as may be needed to repel invasion or to secure the country against apprehended invasion." On the 2d day of March, he was again reminded, "in the event of the approach of any considerable Mexican force, promptly and efficiently to use the authority with which he was clothed to call to him such auxiliary force as he might need." War actually existing, and our territory having been invaded, General Taylor, pursuant to authority vested in him by my direction, has called on the Governor of Texas for four regiments of state troops—two to be mounted, and two to serve on foot; and on the Governor of Louisiana for four regiments of infantry, to be sent to him as soon as practicable.

In further vindication of our rights and defence of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. To this end I recommend that authority should be given to call into the public service a large body of volunteers to serve for not less than six or twelve months unless sooner discharged. A volunteer force is, beyond question, more efficient than any other description of citizen soldiers; and it is not to be doubted that a number far beyond that required would readily rush to the field upon the call of their country. I further recommend that a liberal provision be made for sustaining our entire military force, and furnishing it with supplies and munitions of war.

The most energetic and prompt measures, and the immediate appearance in arms of a large and overpowering force, are recommended to Congress as the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination.

In making these recommendations, I deem it proper to declare that it is my anxious desire not only to terminate hostilities speedily, but to bring all matters in dispute between this Government and Mexico to an early and amicable adjustment; and, in this view, I shall be prepared to renew negotiations, whenever Mexico shall be ready to receive propositions, or to make propositions of her own.

I transmit herewith a copy of the correspondence between our Envoy to Mexico and the Mexican Minister for Foreign Affairs; and so much of the correspondence between that Envoy and the Secretary of State, and between the Secretary of War and the General in command on the Del Norte, as are necessary to a full understanding of the subject.

JAMES K. POLK.

WASHINGTON, May 11th, 1846.

Mr. DAVIS called for a reading of the documents accompanying the Message.

Mr. SPRIGHT hoped that the Senator would not press his call, as he understood that the documents were very voluminous, and the reading would occupy two or three hours. They would be printed with all possible expedition; and he (Mr. S.) moved that an extra number of copies—twenty thousand—be printed.

Mr. DAVIS did not press his call.

Mr. CALHOUN then rose, and said: The question now submitted to us is one of the gravest character, and the importance of the consequences which may result from it we cannot now determine. I do hope that this body will give to it that high, full, and dispassionate consideration which is worthy the character of the body and the high constitutional functions which it is called on to exercise. I trust that we will weigh every thing calmly and deliberately, and do all that the constitution, interests, and honor of the country may require. I hope that in the present state of the question nothing further will be done than is usual—that is, to print the document for the use of the Senate, and after we have had the subject under consideration, it will be time enough to determine the number of copies to be printed. I say this because no man can make up his opinion from the mere reading of the Message, and the printing of an extra number may seem to be a committal of this body in favor of all which is contained in the Message. It is eminently proper that, in this case, the deliberate sense of the body should be expressed. It is always understood that printing a large number of documents is an endorsement. At all events, I think it would be undignified in the Senate to print on this occasion more than the usual number.

Mr. SPRIGHT said: I rise to respond to every sentence—every word—which has been uttered by the honorable Senator from South Carolina. My motive in moving to print an extra number of copies of the Message and accompanying documents was the suggestion of Senators around me. I had supposed that the country would be anxious to read those documents, and I cannot see why the printing of it should be necessarily considered as an endorsement of that Message. But I take occasion to state here in my place, that I endorse every word of that Message. I approve of it. The President has recommended what I am prepared to carry out. It is useless to conceal the fact that he has recommended no declaration of war. He only asks Congress to place at his disposal a sufficient military force to repel any invasion of the territory of the United States. I apprehend that there is not a single Senator who will not cordially respond to that portion of the Message; and I am confident I only do justice to the Senator from South Carolina, (Mr. CALHOUN,) when I say that none will more cordially respond to it than himself. If I apprehended that my motion was at all inconsistent with the dignity of the Senate, I need not say that I would at

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once withdraw it. Far be it from me to entertain any desire to precipitate the action of the body in this important affair. But the document will appear in the newspapers, and there will be a general anxiety in the country to read it; and I cannot see the impropriety of printing such a number of extra copies as will insure the most extended circulation of the Message. It is an important document, and we seem to have approached an important crisis, and I agree with the Senator that we should meet it firmly, calmly, and with deliberation. For my part, I am prepared so to meet the crisis.

Mr. ALLEN said: It is usual, I believe, when a very important communication is made to the two Houses of Congress by the Executive, if it and the accompanying documents be so voluminous as not to find admission into the public newspapers of the country, for the Congress of the United States to meet the natural demand of the country, to print an extra number of such communication with the accompanying documents. No man will question for an instant the transcendent importance of the case communicated to the Senate to-day. No man will doubt that that matter, as contained in the papers on the table, is too voluminous to obtain publication in the newspaper press of the country. No man can doubt the right of the American people to indulge that wholesome curiosity which induces them to look for the publication of such documents. These are facts about which there can be no dispute; and if ever there was a case in which it becomes important to give an extended circulation to a great public fact, this is that case. What is it? The honorable Senator has told us that the President recommends no declaration of war; but he did not tell us what the President has told us, which is the far more important fact, that war actually exists, and he asks the Congress of the United States to acknowledge that fact by such a public act as shall nationalize the troops, and put the United States in that relation to the nations of the world which she has a right to assume, as growing out of a state of war. Sir, it has been said that time for deliberation is necessary; but the time of deliberation should be measured by the crisis presented by the state of facts upon which that deliberation is to be had; and what is the crisis here? The crisis is existing war. The deliberation can tend to no point, if it have a useful object, except the great point of the defence of the country against invasion. And as for the suggestion thrown out that the arm of the Government should be limited to its own soil—that we should be required to fight over one square of the board, while Mexico fights over the whole board—seems to me to involve a most suicidal policy. How can this war be brought to a successful issue? How can any permanent peace be expected to result at all from this conflict with Mexico, unless she is distinctly given to understand that when she makes war upon the United

States she incurs all the penalties which the condition of war inflicts upon nations? But I am sensible that this is digressive. I desire that these documents may be printed in large numbers, for the reasons that I have given; and for the sake of testing the sense of the Senate, I ask the yeas and nays.

Mr. SEVIER. I understand that the motion to refer the Message and print has been carried.

The PRESIDENT. The motion has not yet been put.

Mr. SEVIER moved that that motion be first put.

Mr. J. M. CLAYTON then rose, and said: I hope the Message will not be referred to the Committee on Foreign Relations, but to the appropriate committee—that on Military Affairs. The very object of the Message is to procure munitions of war. It seems, therefore, eminently proper that the subject should go to the Military Committee, and not to the Committee on Foreign Relations. I cannot perceive any propriety in the reference to the latter committee.

Mr. CALHOUN. I have effected my object in part—the object which I had in view in offering the few observations which I addressed to the Senate. My object was to show that there should be no haste on this subject, and that it should not be inferred, from the printing of a large number of the Message, that there was any special endorsement of it on the part of the Senate. I am informed that that is not intended, and therefore I am perfectly indifferent as to what disposition may be made of the motion to print an extra number of copies.

Whilst I am up, I take occasion to say, that I agree with the Senator from Ohio, (Mr. ALLEN,) that the President has announced that there is war; but according to my interpretation, there is no war according to the sense of our constitution. I distinguish between hostilities and war, and God forbid that, acting under the constitution, we should ever confound one with the other. There may be invasion without war, and the President is authorized to repel invasion without war. But it is our sacred duty to make war, and it is for us to determine whether war shall be declared or not. If we have declared war, a state of war exists, and not till then. It was in this aspect of the question that I regarded it as one of great magnitude, and deprecated any precipitate action on the part of the Senate. There is a certain decorum which belongs to us, and which should always characterize our conduct. There is a certain forbearance, dignity, and calmness, which will make war not the less effective if it should be our fate to be involved in war. I hope that I shall never indicate, on my part, the earnestness with which I go into any measure by a precipitate course of action. I am prepared to do all that the constitution, and patriotism, and the honor of my country,

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may require. But I wish time to consider on all points, and desire that our whole action may be marked by dignity.

Mr. SEVIER then said: It is not my purpose to raise a discussion on this question of reference. Nothing is further from my design. I moved such a reference of the Message as, on consultation of precedents, I deemed proper. The natural and proper reference appeared to be the Committee on Foreign Relations. The Senator talks of calmness, and the necessity of deliberation and dignified action. Assuredly our course has been of that character. Is there any breach of decorum—is there any want of dignity, in referring this Message to an appropriate committee?

Mr. CALHOUN. Will the Senator permit me to say that I had not the slightest reference to the motion made by him to refer the Message?

Mr. SEVIER resumed. My motion was to refer the Message to the committee to which are ordinarily referred matters of this sort. If the Senator from Delaware (Mr. CLAYTON) has not the same confidence in that committee which I entertain, that is not any reason against that reference. I would ask the Senator from Mississippi to withdraw his motion, and I would then move that the question be taken on the reference; and on that I ask the yeas and nays.

Mr. MOREHEAD said: I regret that I cannot concur with my friend from Delaware in his suggestion as to the proper direction which this document should take. I think that in the first instance the reference should be made to the Committee on Foreign Relations; and I do so because I concur with the Senator from South Carolina, (Mr. CALHOUN,) that before war does exist, according to the Constitution of the United States, there must be some action on the part of Congress. Thus far, if war does now exist—if the people of the United States now find themselves in a state of war with Mexico, it is a war which has not been brought about or declared by the legislative department of the United States, to which constitutionally the power of declaring war belongs. It does, therefore, seem to me that before we can occupy a proper position in the estimation of the nations of the world—(whose opinion on subjects of this sort, I think, we dare not disregard, at all events it is our duty to pay respect to it)—before we assume a hostile position, which in all probability it will be our duty to assume—this subject ought to be referred to that committee which in all cases of this sort has charge of these subjects; that this ought to be done before the Congress of the United States shall recognize the existence of war, and perform that part assigned to them by the constitution. It is with that view, and with regret, that I cannot concur with the Senator from Delaware, and I hope that the subject will take the usual direction.

Mr. J. M. CLAYTON. It is perfectly clear to my mind that this Message should go to the

Committee on Military Affairs, and not to that on Foreign Relations. The President has announced to the Senate of the United States that there is war—that war does exist between this country and Mexico, and he calls upon us for millions of money to aid him in carrying on that war; he pronounces it necessary, and demands of us the needful supplies. He also asks for tens of thousands of volunteers. Now I am quite willing—although I do not take upon myself any portion of the responsibility of this war—that devolves upon the President, and upon him alone, with those who have brought it about—but I say I am quite ready to fight it out. I will not undertake to decide, in the first instance, whether it was right or not; but I go for the soldiers and the millions at once, to support the honor of the country and the army. The Committee on Foreign Relations can decide at their leisure any grave questions touching the constitutionality of this war. We shall have all that undoubtedly in debate here from day to day; but the first duty of the Senate, in my judgment, is to vote the supplies. Well, what has the Committee on Foreign Relations to do with that? What does it know about the manner of furnishing these supplies? That is the appropriate duty of the Committee on Military Affairs. I would say to my friend from South Carolina—if he will allow me to call him my friend—that I entertain opinions perhaps closely allied to his own on this general subject. I do not mean to express any opinion as to the sending of troops to the Rio Grande, by voting for the supplies. The President has announced the existence of war. What is the first duty of Congress? I hold that its first duty is to vote the supplies; to lose no time in defending the country. The other questions involved will have to be settled between us and the people of the United States, and the Executive. On these questions all due deliberation should be observed, but the action with regard to the supplies should be prompt and immediate.

Mr. ARCHER. I am a good deal astonished that the clear mind of my friend from Delaware should have failed to make the distinction between a state of war, properly so called, and the state in which we are now placed. He and several other Senators have assumed that we are in a state of war. I say that we are not. When, some years ago, a vessel belonging to citizens of the United States (the "Caroline") was forcibly captured by an English force, did that constitute a case of war between Great Britain and the United States? I say that the President does not affirm that we are in a state of war. He cannot affirm it; for if he did, he would affirm that which, in a legal and constitutional acceptance, could not be true. If true, what would be the result? The officers and men on the Rio Grande might involve the country in war at their pleasure.

Mr. SEVIER here referred the Senator to the terms of the declaration of war in 1812, and

proposed that the Secretary should read an extract from it; but the offer was declined, and

Mr. ABOHEE proceeded. It has been stated, on the highest authority, that the President of the United States cannot declare war. The intervention of Congress is absolutely indispensable to constitute war. What is the import of the Message received this morning? A certain state of facts has reached the President, which has rendered it necessary for him, in the discharge of his duty, to inform Congress of the necessity of inquiring what action of Congress may be necessary, and whether there shall or shall not be war on the part of the United States. Does the existence of hostilities on one of the frontiers of the United States necessarily put us in a state of war with any foreign power? Clearly not. Suppose we have misunderstood the state of things on the Rio Grande, and that the Mexican authorities have acted justifiably under the circumstances: the danger of admitting the doctrine that a state of war can exist except by the constitutional action of the Government of the United States will then be evident. There can be no question about that. There can be no war till the ascertained facts be submitted to the Congress of the United States, to be pronounced upon by them, and till they authorize war. That is the question. In the necessity of preparations, all the members of the Senate and all the citizens of the country, I am sure, fully concur, and no time need be lost. The Committee on Foreign Relations can make their report to-morrow. They are not required to pass upon the nature or amount of military preparation. Not at all. That belongs to the Committee on Military Affairs. The provinces of these committees are essentially distinct. It is the duty of the Committee on Foreign Relations to examine into the state of the facts communicated by the President, and to say whether it is proper that this Government should put itself into a condition of war or not. Then the resulting office of the Committees on Naval and Military Affairs will be to ascertain what naval and military preparations may be requisite. I hope, therefore, that the course pursued on all other occasions will be followed on the present; that the Message of the President will go, first, to the Committee on Foreign Relations, and that then, on its report, the Naval and Military Committees will take the proper action.

Mr. BENTON said: I apprehend that there are two very distinct questions presented to the consideration of the Senate in the Message of the President. He announces the fact of the invasion of the territory of the United States, that's one thing. He then proposes to Congress to carry on war against Mexico on a scale commensurate with the exigency of the occasion, in order to bring it to an immediate close. These are two distinct subjects; and on these two subjects a different form of action is, I think, required. It is not merely the constitu-

tional authority, but the duty of the President, to repel invasion at once, and by all the means which the law has put into his hands. He has a regular army and navy for that purpose. The act of Congress of 1795 authorized him to call out the militia from the neighboring States for that purpose; but their service is limited to a period of three months; and as often as emergencies of this kind have occurred, it has been deemed proper, both for the purpose of getting troops more promptly into action, and also such as could be retained in the service for a longer period—it has, I say, been usual for Congress on all such occasions, when in session, and when not in session, it has been usual for the President to call for volunteers. And on this occasion this course has been followed. A call for volunteers has been authorized in conformity to the practice which we have always followed. The act of 1795 authorized the practice of resort to volunteers; and on this occasion the officer in command on the Rio Grande has called for volunteers. The first thing we have to do is to give the President money to pay these volunteers, and more if necessary; and in giving him money to pay them, authorizing the call made for them. In this view of it, the subject is a military one, and proper for the action of the Military Committee. They are to say whether eight thousand men, or double that number, are necessary; and the Committee on Finance is to report what money may be necessary. Thus far the question is military. But after that it is a question which concerns the foreign relations of the country, and should, consequently, go to the Committee on Foreign Relations. If the first measures be adopted—and on that I suppose there can be no difference of opinion—there will be time to consider the other part of the subject; and it is obvious that it would be very inexpedient to delay the former till after the consideration of the latter. It might be very detrimental to the public interest to do nothing till the questions connected with our foreign relations were settled. If then, as is frequently done, one portion of the Message were referred to the Military Committee, and the other to the Committee on Foreign Relations, the whole matter would be at once settled. I would make that motion, if the Senate think my view proper, that so much of the President's Message as relates to repelling invasion of the territory of the United States, be referred to the Committee on Military Affairs, and so much as relates to our foreign relations, be referred to the Committee on Foreign Relations.

Mr. ALLEN. The remarks of the Senator from Missouri, and his suggestion relative to the disposition of the two distinct portions of the Message, strike me as very proper, and I readily concur. The appropriations for the defence of the country need not be delayed by being connected with other questions growing out of the same state of facts.

Mr. SEVIER. If the Senator will allow me,

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I will accept of his motion as a modification of mine.

The question was then about to be put; when

Mr. CASS rose and said: I have but a few words to say. The Message is evidently intended to be a species of manifesto—a statement of the difficulties between this country and Mexico, very similar in principle to the Message sent to Congress by Mr. Madison in 1812. It is an *exposé* of our grievances with that Government, to go before the American people and the world. I agree that the Senator from Missouri (Mr. BENTON) has put it in its proper bearing. I desired to say that I feel very much gratified at hearing the declaration which fell from the lips of the Senator from Delaware, (Mr. OLAYTON.) He has spoken like an American Senator and an American patriot. He is ready to meet the exigency in which he finds the country placed. The ground he takes is fair for a party man. He goes for the country first, and then intends to ask who brought the country into this position. That is a very fair course. I have no objection to the course which the Senator has thus marked out for himself. Let us go for the country first—let us make all requisite preparation. When we have done that, I am perfectly prepared to enter into a full consideration of who is right, or who is wrong. I agree with the Senator from Mississippi in his expression of concurrence with every word of the Message. So far as one vote and one voice will carry the Administration through, mine will be cheerfully given. And I must be allowed to say further, (and I use the word in its best sense,) I repel the construction put upon it by the honorable Senator from South Carolina. One nation can create a state of war—it requires two nations to make a peace. Suppose the other nation declares war—suppose Mexico declares war, are you at peace? What an absurd doctrine is that! I know of no intermediate state between peace and war. Are you at peace with Mexico? Are we at this moment at peace with Mexico? No. It is a state of war. Every gentleman here knows that there have been a dozen wars in Europe without any declaration of war on either side. The war of 1755 was such a war. So was the war of 1804. Can it be said that our troops may chase the Mexicans over the boundary, and then take off their hats and say, "Good by, gentlemen, until you come back, when we shall be ready for you again?" The honorable gentleman from South Carolina says we are in a state of hostility, but not in a state of war. Now I am not going to dispute about words, but I deny the doctrine advanced by him *in toto*. What is the difference between hostility and war? Suppose Mexico issued orders to privateers to-morrow, are you to wait for a declaration of war? If any invader approaches, can you not drive him off? Are we not now in that state of hostility which leads to the legitimate consequence of war? I,

for one, wish to be distinctly understood, that whether war be declared or not, we are now in a position in which all the legitimate rights and consequences of war exist. We are placed in a solemn position. This is a most important crisis. But if we advance to our duty with firmness, promptitude, and decision, our course is plain and honorable before the world. If we do not act in that spirit—if we make half war and half peace—if we say to Mexico, "Advance, and we'll fight you; if not, we will remain quiet," we will dishonor ourselves forever in the eyes of mankind. What have we to gain by such conduct? The advantage is altogether on the side of Mexico. She keeps up an army, and can invade us when she pleases. There is but one course for us to take. Push an expedition into Mexico, till we compel her to make peace—not to hold the country; but compel her to make such a peace as we have a right to demand.

Mr. CALHOUN again rose and said: I entirely concur in the separation of the Message in respect to its reference. Now I hope that there will not be the slightest difference of opinion, but the utmost unanimity and promptitude of action in repelling invasion. One part of my object was to bring about this state of things. Every one must have felt the awkwardness of blending the two subjects contained in the Message together—the solemnity of the one requiring deliberation, the urgency of the other demanding promptitude of action. Both subjects are now properly disposed of, and there will be ample time hereafter to discuss the various points connected with the one, whilst the other will not be subjected to any improper or dangerous delay. The Senator from Michigan (Mr. CASS) repelled no observation of mine. His remarks had not the slightest reference to any thing I said. I said, in the sense of the constitution war could be declared only by Congress; that it was only through the exercise of the authority of Congress that that state of things called "war" could be announced to the country and the world. There is no question between him and myself. The question is between him and the constitution. It would be a great abuse of language, then, in a constitutional sense, to say we are at war with Mexico. It is, if we have got the true account, a state of invasion—not even of hostilities between the United States and Mexico. It is a state of hostility between the two forces on the frontier. Now, whether we shall proceed and settle all our accounts at once, is that grave question to which I alluded, and with regard to which I said I agreed with the Senator from Ohio, (Mr. ALLEN,) in the expression of opinion that it ought to be most carefully examined, and that then we should, with the utmost decision, proceed to discharge our duty.

Mr. ALLEN. I do not rise to continue this debate, but simply to move that so much of the Annual Message of the President as relates to Mexico be printed in connection with the Mes-

sage and documents communicated to the Senate this day.

Mr. MOREHEAD said: I have no earthly objection to the division of the Message. I rise for the purpose of saying one word in answer to what has fallen from the Senator from Michigan; and before I come to the immediate point to which I desire to call the attention of the Senate, I must be permitted to express my surprise that the honorable gentleman (Mr. CASS) should think it a subject of congratulation at all that any Senator should express such sentiments as those which fell from the Senator from Delaware, (Mr. OLAYTON.) The gentleman from Michigan expressed his personal gratification that any Senator should arise and avow his purpose of standing by his country in such an emergency. I trust that that sentiment is a common sentiment, entertained by every member of the Senate of the United States. I trust that it is not so singular as to be made properly the subject of special remark. But with regard to the point assumed by him, whether there is war now existing between the United States and Mexico, I desire to add one word. It is well known to us all that the power to declare war belongs exclusively to the Congress of the United States. The President of the United States has no constitutional power to involve the nation in war. But if war does exist at this time between the United States and Mexico, it may follow that the President of the United States may involve the country in war without the assent of the legislative department of the Government. I can very well conceive a case—and I trust that the allusion I am about to make will not be regarded as having any reference to the present circumstances—I can very well conceive a case, in which the army of the United States might be directed to assume a position in the territory of Mexico—such a hostile position—as to demand from the Mexican Government that she should repel such an invasion of her territory—an invasion made by the President of the United States. Suppose she did repel such invasion, and hostilities arose between this Government and that of Mexico, would that be war according to the Constitution of the United States? Now, I hold that it is competent alone for Congress to declare when war does exist between this Government and any other nation. In this view of the case, I do not think that there does exist, at this moment, war between the two nations, in the constitutional sense; and I think that there is a very essential difference between the existence of hostilities, as such, and actual war. There was a period in the history of the Government, which it occurs to me to point out, when that distinction was practically carried out. It was a period in the history of the Government when hostile relations subsisted between the French Republic and ours. There were aggressions committed upon the high seas and upon our commerce. We complained of that to the French Government.

There were claims which the French Government had against us, and which that Government insisted were not fulfilled, and made a formal complaint to our Government to that effect. Step after step in the controversy led us at last to hostile relations, and the Congress of the United States adopted various measures indicating the existence of hostilities; but there was no war declared, and no war actually existed between the two Governments, although there was a very extensive series of hostile indications on the ocean, and hostile action on the part of one Government towards the other; yet not amounting, as I understand, to actual war, as intended by the constitution. It was, however, a state of hostility, which made it necessary for the Congress of the United States to adopt various measures authorizing the Executive to repel aggression on the part of France. I will not detain the Senate. I hope the distinction will be seen clearly enough, and that the Senate will insist on the recognition of that distinction; and, in conclusion, I hope that portion of the Message relating to the foreign relations of the Government will be referred to the Committee on Foreign Relations.

Mr. CASS replied. I am surprised that any gentleman should for a moment suppose that I made any improper or unkind allusion in expressing my satisfaction with the patriotic sentiments expressed by the Senator from Delaware. But I am older than the Senator from Kentucky. I recollect the time when a man could not get up, even in the Senate, and congratulate any member of it for the expression of such a sentiment. Thank God I can do it now. I believe there is not a man on that side of the chamber that is not ready to go just as far as I would. It was the recollection of a very different state of things, to which I have never before alluded in this place, and hope never hereafter to allude, that prompted that honest and sincere congratulation. Congress has power to declare war; but, I repeat, one nation can make a war. In Europe, as I remarked, there have been numerous examples of that. I merely repeat that any one nation may go to war, and, of necessity, put its antagonist in a state of war.

Mr. DAVIS said: I concur in the division of the Message for the purposes of reference. I do not think that the time for the discussion of the grave and solemn question involved has yet arrived. But it must necessarily arrive when the legislative body of the United States is asked to act on the subject. Then will come the proper time for the discussion of it; and then I hope it will be fully discussed. I hope it will then be examined and probed to the bottom. For one, I am right willing to give my support to the national dignity and honor, and to repel an invasion of this territory, by giving to the President all suitable means for that purpose. Yet we have a right, and it is our duty, to know whether the territory of this



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country has been invaded. That's the question to be considered here and to be discussed here; and I confess, for one, that some portions of the Message—which I shall not attempt to characterize till I see it in print—some portions of the Message strike me with a considerable degree of surprise. We are told in that document that the blood of American citizens has been spilt on our soil. This may be so. It may be true. But in the same Message we are told that there is a question of boundary between us and Mexico, and an unsettled question; and that the Minister was sent there from here for the purpose of negotiating that very question. Well, now, the President may mean, for aught I know, that this question of debatable ground does not exist where the army is at present located. It is said, also, in the Message, that there are certain proofs of action on the part of this Government, tending to show that this territory is ours. If I recollect right, it was said that ports of entry had been established, and an officer of the revenue appointed. If that be so—if it were true that there was an intention on the part of this Government, by these acts, to spread its revenue laws indefinitely over any thing which they might call Texas, I, for one, misapprehended the tenor of the act altogether. I never supposed that any revenue system was to be established on debatable ground. I never imagined that the revenue laws of the United States were to be extended indefinitely over a disputed territory, but that they were to be limited to that portion of the country which was acknowledged to be Texas. That was my idea of the act. I may have entirely misapprehended it, but that was the view taken of it by me.

Mr. WHEATON said a port of entry is established at Corpus Christi.

Mr. DAVIS. I was under the impression that it was on the east side of the river, that it was to be limited to undebatable ground, without intending to advance any opinion in this stage of the matter. It is necessary that we proceed to the examination of this subject with deliberation and candor, as was so well expressed by the gentleman from South Carolina, (Mr. CALHOUN.) For one, I enter on the examination of this question without any previous prejudice whatever, with an honest disposition to ascertain the truth. But if it turns out that this territory is debatable ground, a serious responsibility rests somewhere, and presents the question of war in a very different aspect from what it would have possessed had the invasion been made within the acknowledged limits of this country. This is all I wish at present to say on the subject.

Mr. SEVIER. I have only one word to say in reply: and that is, that whenever the day of reckoning comes in regard to the action of the Administration in ordering the army to the Del Norte, I am ready to meet any opponent. The Executive has done precisely what the national interests required, and what the con-

stitution and laws justified. The President has done his duty manfully. As to the constitutionality of the procedure, I would only at present revert to what was done under the late administration, when my friend on the right (Mr. CALHOUN) was a member of it, with respect to the sending of a fleet to Vera Cruz, and an army into Texas, and that before we had passed upon the admission of Texas into the Union. But I shall not go into this subject now. I am quite content with the declaration of the Senator, that he is willing to vote supplies to repel an invasion of a territory which he says is not our own.

Mr. J. M. CLAYTON said: The remarks of the Senator from Arkansas (Mr. SEVIER) render it necessary for me to say something in reply. The President of the United States has ordered the army to take up a position on the left bank of the Rio Grande; and in obedience to instructions from the Executive, the general commanding has taken up a position in front of the town of Matamoras. I understand, and there is no dispute about the fact, that the general who established his camp there, has a battery of eighteen-pounders pointing at the town, and that the Rio Grande has in fact been blockaded, so as to exclude supplies from the Mexican forces. It is well known that this was done without consulting Congress; it was done without consulting the Senate of the United States, and, so far as I understand, without even communicating the movements of the army to the Committee on Military Affairs, or any other committee of this body. Before I proceed further, I wish to put one question to the chairman of the Committee on Military Affairs, (Mr. BENTON.) I desire to know whether, on any former occasion during this session, any information has been received by that committee from which he could form an opinion of the motives or objects of the Executive in sending an army to that place? I desire to know if he has any information of the object of sending the troops thither? Is there any settlement to be protected there? I await a reply.

Mr. BENTON answered that nothing more was known to him, as chairman of the Committee on Military Affairs than was in the possession of every other Senator. All the knowledge he had on the subject was derived from the documents before the Senate.

Mr. CLAYTON proceeded: There has been, then, I presume, no communication. No committee is in possession of the views of the Executive; so that the Senate is not at all in any way responsible for the conduct of the Executive, or for the moving of an army to that point. Now, I say, so far as I understand the subject—that I am impelled to make the remark in consequence of the observations of the Senator from Arkansas, (Mr. SEVIER,)—that the whole conduct of the Executive in this case has been utterly unjustifiable. If the acts of the Executive do not amount to acts of war, they are acts which necessarily tended to pro-

voke war, and to bring on war, and that without consulting Congress or the constitutional advisers of the Executive of the United States. For that reason I take the occasion to say now and at the time to which he refers, when the discussion is to come off, I will repeat that I condemn the conduct of the Executive. I do not see on what principle it can be shown that the President, without consulting Congress and obtaining its sanction for the procedure, had a right to send an army to take up a position, where, as it must have been foreseen, the inevitable consequence would be war. But I will not go on with this debate. I think it out of place. My justification, however, will, I hope, be found in the necessity of replying to the remarks of the Senator from Arkansas.

Mr. SEVIER rejoined: One word of reply to the Senator from Delaware, and a very brief reply indeed is all that is required. He seems to express some surprise that an army should be sent to the Rio del Norte. I need not tell him that the army of the United States is always moved from one point to another in the United States without asking Congress. We have a Commander-in-Chief, a Secretary of War, and a President, who always decide on the proper disposition of the army. We have admitted Texas into the Union. Its frontier was threatened with invasion, and the Legislature and Executive of the State called on our aid. Was it then necessary to pass an act of Congress before any portion of the army could be sent on that service? How would it have been with Delaware, his own State, or any other State of the Union, in a similar case? Would all aid have been refused till application was made to Congress, and till it authorized the order sending a portion of the army to defend the frontier? And then the Senator may gravely ask the chairman of the Committee on Military Affairs, whether he had been called on and informed of the motives of the Executive in so disposing of the army. I think when my friend from Delaware looks at this matter with his accustomed calmness and ability, he will see less to find fault with than he now seems to perceive. My own opinion always has been that the army is under the direction of the President and Commander-in-Chief, and to be placed where they think proper. I have never known an act of Congress placing the army anywhere.

Mr. J. M. CLAYTON. The Senator from Arkansas has not addressed himself at all to the chief point which I presented. I have no official information as to whether any of the generals had any thing to do with the location of the posts. I have nothing to do with that. I do not suppose, however, that it will be found, on investigation, that the information of the Senator from Arkansas is correct.

Mr. SEVIER. So I was told this morning. But I did not mean to say that it was from an official source.

Mr. CLAYTON. I rather think that it will be

found; when the matter is properly investigated, that the President informed them that it was decided to take possession of the Rio Grande, and asked where the post should be located; and that the point opposite Matamoras was suggested, to which they may have assented. But I doubt much whether the generals have recommended in advance of the Executive any position whatever on this river, or that they even recommended that the left bank of it should be occupied at all. But that is neither here nor there. If they had, that does not exonerate the President and his Administration of the responsibility under which they labor. The question is, Was it proper? was it right? The honorable Senator from Arkansas said that it was proper for the defence of the frontier of Texas, and necessary for the defence of Texas. Let us look at that for a moment. Was it necessary to take up a position on the left bank of the Del Norte? Was not the former position at Corpus Christi quite sufficient? Why was it necessary to cross the desert, and take up a position immediately in front of the friendly town of Matamoras? Why was it necessary to take up that position, with the batteries pointed against the town at a distance of not more than five hundred yards from its environs? It was an aggressive act; an act which the civilized world will so designate. It was as much an act of aggression on our part as is a man's pointing a pistol at another's breast. But there is another matter to which I alluded, and to which the Senator did not think proper to pay any attention, and that is the blockade of the river. The honorable Senator with, I must be allowed to say, amusing *noveltés*, endeavored to throw the responsibility of all this on the officer in command of the army. Now I am well persuaded that, whenever the facts are fully developed, it will appear that General Taylor has done nothing but what he was ordered to do; that he will be fully justified by the instructions which he received in every part of his conduct. I protest against this attempt to shift the responsibility from the Government to the shoulders of the commanding officer acting in strict accordance with its instructions. It is unjust towards that officer. In the peculiar circumstances in which the Administration have placed him, it is glaringly unjust. I do complain—I am justified in complaining with some indignation—that any attempt should be made, in any quarter, to cast the responsibility of the Administration on the officer in command of the troops. What is the meaning of this attempt, in the quarter from which it has emanated? I will not pretend to say. These are the matters to which, in that debate to which my friend has pointed, I shall call his attention. I will give the subject that calm and dispassionate consideration which he desires. I have already endeavored to do so. I have felt that these acts of the Executive ought to be condemned—I do condemn them. I think that they will be condemned by the

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President's Message—Mexico.

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people of the United States. By these acts we have been precipitated into a war with a friendly nation. Congress has not been consulted, nor either branch of it. The President of the United States has the power to provoke war, perhaps the power to carry on war, without the consent of Congress, but he has not the right to do it; and whilst I, and my friends on this side of the House, in obedience to the dictates of patriotism, as I trust, are ready to vote all the money in the treasury, and all that is necessary, if there is not enough there, for the purpose of defending the country, and vindicating its honor and character, I think we have some right to call on gentlemen on the other side of the House, and ask of them to abjure the spirit of party, calmly and fairly to weigh the acts of the Administration, although it is the Administration of their own choice; and when they see that done by the Executive which they, in their consciences, cannot approve, to join with us in condemning it openly, in the face of Heaven and all men.

Mr. ALLEN arose and said he had no desire to protract the discussion, but he wished to say he thought any censure of the President premature, because there had not yet been time to examine the facts communicated by the Executive; and it was for that reason that he thought it extremely unjust towards the President that any Senator should begin this business by denouncing him—by charging errors on the Government, and accusing it of being the aggressor, before there is time to examine the state of the case. This he thought a very bad beginning, if they wanted the war to be successful—if they wanted to sustain the honor and dignity of the country. If they desired that, they made a bad commencement, before the public documents the President had sent there were printed, to premise that the Executive had been the aggressor, and to place all the moral wrong on the head of our own Government by one of its branches. He would say again, it was a bad beginning. War was not prosecuted alone by arms. It was not steel that constituted the chief power in modern times, but the opinions of mankind, the will of the country. That constituted the power, rather than the steel placed in the hands of soldiers. And how were they husbanding that power? Why, when the very first announcement of an invasion is made, it was thundered forth that the United States Government was in the wrong—that we were the aggressors. That might be wise in the judgment of Senators on the other side; but he (Mr. A.) believed, on second reflection, not one would be found to say it was not unwise. He thought it premature to condemn the Executive before the documents which had been laid before them had been printed. The Senator from Delaware inquired how it happened that that river was blockaded. The answer was given in the Message. The river was blockaded to cut off supplies from the Mexican army, after, and in consequence of, the Mexi-

can commander having announced the fact that a state of hostilities had commenced. That was the reason of the blockade. In regard to the position of the army on the Rio del Norte, he would say, as the President had said in his Message, that the military reasons on which he acted came from the highest military authority now in the country, and came, too, in such an intelligible form as would enable the Senate to see its propriety. He was then speaking of the military reasons. In regard to the political reasons for taking up a position on the Rio Grande at all, these were questions the Senate would discuss for itself afterwards. Most Senators said they were willing to provide the means for defending the country; but there were those who questioned the policy which led to its necessity. When that great question should be opened there—when the political reasons on which the Administration acted in ordering the army to take up a position on the Rio Grande—when the time to discuss those questions came, he (Mr. A.) promised there would be men found there able to render such good and satisfactory reasons, as would fully justify the course of the Executive. No man disputed the absolute necessity, the urgency, the instant need there was of providing for the defence of the country. After that came the great question of political reasons for placing the army where it was. By the time that came up, these documents would be printed; Senators would have time to reflect, and come to such conclusions as the state of facts justified. But he had arisen merely to say, he regretted to hear the cool, cautious, and deliberate Senator from Delaware (Mr. CLAYTON) falling into the error, as he (Mr. A.) conceived it to be, of pronouncing judgment against his country, before it was heard, before its own or any other tribunal. Armies had been marched before without consulting Congress; and he remembered a remarkable instance, in which a part of the army of the United States was ordered to change position, and take up another near a scene that was about to be transacted in Rhode Island; and it was not thought necessary that the Senate should call on the Executive for its reasons for doing so. No; there was then a grave political struggle going on. The President thought he had reasons to anticipate a breach of the public peace, and a violation of public order, and without consulting the Senate or House of Representatives, he ordered detachments of the army to march and take up their position. That was to repel an invasion by Americans, not by Mexicans—an invasion of Americans on arbitrary institutions. There was no call made in the Senate or House of Representatives, to inquire into the reasons for ordering the army to march on that occasion. He hoped the question would not be further debated, but that all the opinions that should be formed prejudicial to the action of the Government, or calculated to paralyze its efforts on that subject, would be suspended till the documents were

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printed, and all the facts and reasons were in the possession of Senators.

The PRESIDENT then proceeded to put the question on the motion of Mr. SPRIGHT; when Mr. ALLEN withdrew his call for the yeas and nays; and the question was taken, and the motion agreed to.

TUESDAY, May 12.

*Mexico.*

The following bill was received from the House of Representatives:

"An act providing for the prosecution of the existing war between the United States and the Republic of Mexico."

The bill was read a first and second time by its title.

Mr. SPRIGHT called for the reading of the entire bill, and the bill was accordingly read.

Mr. ALLEN moved to postpone the prior orders of the day, for the purpose of proceeding, at once, to the consideration of the bill.

Mr. CALHOUN rose and said, he hoped at least one day would be allowed to those who were to vote upon this bill, as an opportunity to consult the documents which had been submitted to the Senate by the Executive, as containing the ground on which the bill was to pass. It was a bill amounting to a declaration of war. Mr. C. had no objection whatever to voting the amount of supplies contained in the bill, or even a greater amount; but he was at present unprepared to vote any thing which amounted to a declaration of war. The question was one of great magnitude, and gentlemen who entertained doubts respecting the facts on which the bill was founded, or in regard to the necessity or propriety of a declaration of war, should certainly have some short time allowed them for reflection. He was not opposed to the bill in many of its features; all he asked was that the gentlemen who had charge of it would afford him a little time to examine the documents accompanying the President's Message, which had been ordered to be printed, but were not yet in possession of the Senate.

He asked that the first section of the bill be again read, and it was read accordingly.

Mr. ALLEN, chairman of the Committee on Foreign Relations, stated that the intelligence in regard to the existing state of affairs on the banks of the Rio del Norte had not arrived in this city until Saturday evening at five o'clock. It was of such a nature that a Government of any other form than ours would have required a force to be despatched and means taken to rescue our army from its perilous condition within an hour after the reception of the despatches; but ours was a constitutional Government, under which Congress alone could declare war, and nothing decisive could be done in the case before Monday morning, when Con-

gress should meet. The obstacle occasioned by this delay had now been removed. Congress had met, one branch had acted, and the bill which was the result of its action was already before the Senate, and the urgency of the case required instant action. The gentleman from South Carolina appealed for some short space for the examination of documents; but such was the posture of affairs that no time could be afforded for the least delay. A delay of forty-eight hours might produce events which would become the occasion of a lasting war. He must therefore demand the yeas and nays on ordering the bill to its third reading.

Mr. CALHOUN said that the motion had been, to postpone the previous orders of the day, and take up this bill.

The CHAIR thought no such motion was necessary, and ruled that the bill, having been read a second time, was now before the committee and open to amendment.

Mr. MANUM said he had no shadow of objection to having the subject taken up and disposed of. He was well assured that there was not one gentleman on that side of the chamber who wished to interpose a single objection to the grant of supplies. As far as he knew, or had reason to believe, if gentlemen would but consent that the political question should be separated from the vote of supplies, they could have the vote of supplies just as soon as it was possible to pass the bill through the forms of legislation. And he put it to gentlemen on the other side, whether such a course would not be much better than embarrassing their fellow-Senators by insisting upon having the two questions included under the same vote? Had any evidence been submitted to Senators to prove that the assent of the actual authorities of the Mexican Government, whoever they might be, had been given to the military movements in the vicinity of our camp? He had seen none, the documents had not been printed, and he had had no opportunity to examine them. The act of the military commanders might be disavowed by their Government; and then in what condition would gentlemen find themselves? It was said that the President asked the Senate only to recognize the fact that war existed; but where was the difference between a recognition that war existed and a declaration that war existed? (which was the amount of a declaration of war.) He could see no difference. He was fully aware that no remark could be made by those who hesitated to pass the bill that would not be deemed unpatriotic and represented as evidence of some improper feeling; but he hoped gentlemen would not be deterred by considerations of this kind from taking whatever course their duty might require. If a state of war did exist, then a grave inquiry would arise as to who was the author of it, and whether the blame rested on Mexico or on the course of our own authorities. If the responsibility should, after all, be found to lie at the door of our own Government, Mr.

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M. would not attempt to anticipate that judgment which would be pronounced by public sentiment on every man concerned in such a transaction. He would once more repeat, that if the sole object of gentlemen on the other side was to do what the President required, by affording him the requisite appropriations and any amount of troops he asked for, they could do it at once. Let this be done, and then refer the political question to the Committee on Foreign Relations. Meantime let the troops be on their march, and, before they reached the theatre of operations, the rapid progress of information would convey to them the result of the Senate's deliberation, so that no actual delay would be occasioned.

Mr. M. and his friends felt the strongest desire to grant, without a moment's delay, whatever the safety of our army and the honor of our Government should require. He had hoped that a new bill would have been reported from the Committee on Military Affairs. He should have more confidence in the present bill, had it passed under the examination of that committee. The question before the Senate was in fact a military question, and was appropriate to that committee. Doubtless the honor of the country must be maintained at all hazards and at any cost, and he hoped gentlemen would feel and remember, that if any delay occurred in granting the necessary means, the responsibility could not lie on that side of the chamber.

Mr. BENTON, chairman of the Committee on Military Affairs, stated, that on the reception of the news from our southern frontier, that committee had met early this morning, and having with them a newspaper copy of the House bill, had gone into a consideration of the whole case, and had decided that if the bill had been referred to them and they had reported, they should have reported the present bill, though with some modifications. He understood also, that as far as the Committee on Foreign Relations was concerned, they should have been ready to have done the same thing; so that, in either event, the Senate would have had the same bill before it, but, perhaps, in a modified form.

Mr. CALHOUN said that he had no disposition whatever to create unnecessary delay in the passage of this bill. The rule he had laid down for himself, and which throughout life he had endeavored to follow, had been to discharge his duty in whatever emergency he might be placed, and especially was he called to observe this rule in acting on so solemn a question as a declaration of war. All he wanted, all he asked for, was time to make up his opinion. He sought no delay, and resorted to no indirect course to conceal his true intent. Gentlemen argued strongly in favor of unanimity; but if unanimity constituted an element of force, and the friends of the bill were so anxious to obtain it, why could they not accommodate gentlemen who had honest doubts as to the state of facts, by consenting to strike out the preamble

of the bill, and to suffer the question of supplies to be separated from the question of a declaration of war? Was not such a course reasonable? Was it not fair and just? Gentlemen stated to the Senate that the information received from the frontier was such as to require instant action: if so, they could have instant action. If any delay occurred, the delay was their own. Mr. C. should create none. He was prepared to vote the supplies on the spot, and without an hour's delay; but it was just as impossible for him to vote for that preamble as it was for him to plunge a dagger into his own heart, and more so. He could not; he was not prepared to affirm that war existed between the United States and Mexico, and that it existed by the act of that Government. How could he affirm this, when he had no evidence on which to affirm it? How did he know that the Government of Mexico would not disavow what had been done? Was he to be called upon to give a vote like this? It would be impossible for him to utter it, consistently with that sacred regard for truth in which he had been educated.

He had no difficulty as to his course. His mind was made up; it was made up unalterably; he could neither vote affirmatively nor negatively. He had no certain evidence to go on. Whether any one would go with him in this course he did not know; he had made no inquiries, and he did not know that a single friend would be found at his side. As to what might be said on such a course, and all that was called popularity, he did not care the snap of his finger. If he could not stand and brave so small a danger, he should be but little worthy of what small amount of reputation he might have earned. He could not agree to make war on Mexico by making war on the constitution; and the Senate would make war on the constitution by declaring war to exist between the two Governments when no war had been declared, and nothing had occurred but a slight military conflict between a portion of two armies. Yet he was asked to affirm, in the very face of the constitution, that a local rencontre, not authorized by the act of either Government, constituted a state of war between the Government of Mexico and the Government of the United States—to say that, by a certain military movement of General Taylor and General Arista, every citizen of the United States was made the enemy of every man in Mexico. It was monstrous. It stripped Congress of the power of making war; and, what was more and worse, it gave that power to every officer, nay, to every subaltern commanding a corporal's guard. Did gentlemen call upon him to do this? Did they expect he was going to vote for a position so monstrous? If they forced the question upon him, he should take his own course. If they wanted unanimity, they could have it; but if they chose to proceed on their own petty party views, be it so.

Mr. J. M. CLAYTON said that he was as sin-

cerely interested in having speedy and united action on this bill as any gentlemen on the other side of the chamber possibly could be; and he hoped they would suffer it to be presented in such a shape that all could vote for it. What was desired by them, was equally desired by Mr. C. and his friends. All they wanted was an opportunity of voting supplies to the Executive without being called upon, at once, and without time even to read the documents, to declare that a state of war did exist. Why could not gentlemen so far accommodate them as to postpone this question of war or no war, and so modify their bill as to let gentlemen on both sides of the chamber give it a unanimous vote? Let the bill go to the Military Committee; in five minutes they could report it back to the Senate with the requisite modifications. They were willing to sit till midnight if necessary, and not rise till it was passed. They were willing, ready, anxious to pass it.

The President had sent to the Senate a mass of documents containing that evidence which was to be the basis of their action; but these had not yet been printed, and Senators had no opportunity to examine them. Was it justice either to them or to the President of the United States to call on them to pass the bill without even seeing what he had deemed it proper and necessary to send them as the basis of their action? He had not asked the Senate to decide in haste like this. Had any gentlemen read these documents? They could not, because they were yet in the hands of the printer. And had the President desired the Senate to act as blind, without looking at one of the papers he had sent them? No. Mr. C. would do the Executive the justice to believe that, when he sent documentary evidence he meant it to be read; and yet here were they asked to decide without even a glance at it. Mr. C. could not say whether a state of war did or did not exist. He desired to examine the evidence submitted; and so, he should suppose, must every member of the Committee on Foreign Relations desire. He would proceed as rapidly in voting supplies as any other gentleman, be he who he might. Why would not gentlemen suffer the question to be decided as they did yesterday?

There was another objection to the bill, which he wished to state, and which he desired to be duly weighed. Why this hot haste? They had the day before them: why not take the requisite time to deliberate on what they were doing? This bill appropriated ten millions of dollars. Of this he did not complain; he had not the slightest objection to it; he was ready to vote twenty millions, but it appeared objectionable to him because it stated no specific objects to which the money was to be applied. The appropriation was general, indefinite. The President was vested at once with the absolute disposal of ten millions of dollars, without declaring that so much was to be applied to the army, so much to the navy, so

much for provisions, so much for transportation, &c. Mr. C. held this not to be in conformity with the constitution. He appealed to gentlemen of the Democracy to say whether this was democratic. The Old Democratic party made this one of the great principles of their action. They insisted on specific appropriations as one of the great distinctions of democratic government. It was emphatically recommended by Mr. Jefferson, and was one of the watchwords of the party of which he was the acknowledged head. Whosoever opposed it was at once set down as an enemy of that party. And yet did any man ever behold a more sweeping appropriation than this of ten millions without a single specification? The whole power of Congress over the subject was here delegated in a single line to the President of the United States. Were gentlemen willing to do this? Were they not bound, by the doctrines of their own party, as well as by the Constitution of the United States, to render it a little more specific? To say so much shall be applied to the building, so much to the equipping, of vessels, so much for provisions, so much for forage, so much for transportation, &c.? Was there one among the powers delegated to Congress in the constitution which Congress could transfer to the President, or to any other individual body? If it could delegate one of its powers, it might another; and might delegate them all away. The power to appropriate money was one of their peculiar powers: could they give this to the President? This was a subject which had been often and elaborately discussed, and Mr. C. had supposed the question had long been settled. He was ready to vote the ten millions, but he wished it divided under specific heads according to the Jeffersonian doctrine of political orthodoxy; otherwise, the Senate would be guilty of a gross departure from the constitution.

Mr. C. again expressed his desire that the bill should be referred to the Committee on Military Affairs. By modifying it, as they were prepared to do, they might secure unanimity in the vote of the Senate. And was not this highly desirable? He did not know all the facts which ought to be placed before him in acting on so solemn a matter; but he should feel greatly relieved by a concurrent vote of all his brother Senators. Let the Military Committee report it back to the Senate immediately, (as he believed they were prepared to do,) and Mr. C. and his friends would pledge themselves to sit here till midnight and pass the bill. He moved that the bill be referred to the Committee on Military Affairs.

Mr. ALLEN said that, on behalf of the Military Committee, he understood the chairman to say that he was ready to report the bill back in its present shape. He asked the yeas and nays on the question to refer.

The question was now taken by yeas and nays, and decided as follows:

YEAS.—Messrs. Archer, Barrow, Berrien, Cal-

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houn, T. Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Mangum, Morehead, Simmons, Upham, and Woodbridge—20.

NAVE.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Cameron, Cass, Colquitt, Dix, Houston, Jenness, Lewis, McDuffie, Niles, Penzabacker, Rusk, Semple, Sevier, Speight, Sturgeon, Turney, Westcott, and Yulee—26.

So the Senate refused to refer.

Mr. CLAYTON asked Mr. BENTON whether he had meant to report these amendments, if the bill had been referred?

Mr. BENTON replied, that the committee had resolved that they would act subordinatedly to the will of the Senate. If the Senate should decide that war did actually exist, then they should report in one way; but if the Senate should decide to give the President the means not to prosecute the war, but only to repel invasion, then the committee would modify their report in another way, so as to provide for repelling invasion instead of prosecuting the war.

Mr. J. M. CLAYTON said it seemed also that the committee could not close their eyes to another fact, and that was, that the war came from the Government of Mexico. The committee, however, had had the manuscripts before them. The Senate all knew how voluminous these were. Mr. C. presumed that the committee had read them; and, if so, they must have been very laborious indeed. But what opportunity had Mr. C. and the rest of the Senate enjoyed of looking at these documents? The committee had enjoyed this—the Senate had not. He, for one, desired to have the same opportunity of forming a correct judgment which the Senator from Ohio had had. He had not had access to these papers. But the committee asked him and his friends to go it blindly, without looking at the evidence in the case. He must receive their inferences from that evidence as being infallibly correct. Now, he thought it was requiring rather too much to ask this.

Mr. C. here again put the question to Mr. BENTON whether he intended to move the amendments which he had read? Mr. C. preferred that he should do it; but, if not, he should move them himself.

Mr. BENTON declining—

Mr. J. M. CLAYTON proceeded to move the amendments.

The first amendment was to strike out the preamble of the bill.

The CHAIR decided that the preamble was the last thing to be considered, and the motion was therefore not now in order.

Mr. BENTON explained that the committee had proposed to strike out the preamble, not in regard to the political question, but only in reference to the direction which the Senate had given to that committee.

Mr. B. had received, in a Mexican paper, the copy of a proclamation made by the President

*ad interim* of the Mexican Republic, to his fellow-citizens on hearing of the advance of the American troops to the banks of the Rio del Norte. There was one paragraph in this message, or proclamation, which referred directly to the question how far the march of our army was or was not an act of war; and it went to show the correctness of the doctrine, that there might be hostilities without a state of war, as there might be a state of war without actual hostilities. The President *ad interim* stated in this paper that "it was not his right, as such, by his own act, to declare war; but that the august Mexican Congress would take into consideration the state of conflict in which they found themselves, and that a magnanimous and suffering people would not be attacked with impunity; but in the meanwhile, it might be necessary to repel acts of hostility, and take the initiative in regard to the invaders, by rolling back upon them the guilt of disturbing the peace of the world; that Mexico would not submit to any hostile act committed by the people or Government of the United States; but that every such act would be met and repulsed by all the power of the Republic." Mr. B. had repeated this passage from a proclamation from the present President of Mexico, with a view to show that the door was open for an adjustment of our difficulties; and he thought he could see, in the language of this officer, that a peaceable adjustment of them might be effected. So far as he could see from this declaration, the Government of Mexico seemed to be willing and ready for such a result; it seemed to consider the hostilities as proceeding from our troops only, and there appeared to be an opinion that Mexico ought to adopt some other preliminary measures before she drew the sword.

Mr. J. M. CLAYTON said that he drew the same inference from this paper with the gentleman from Missouri, that hostilities did not necessarily imply a state of war. In fact there was no treatise on the law of nations which did not definitively declare that the one might exist without the other; that letters of marque and reprisal might be issued and acted upon, and yet no state of war exist, unless they were issued generally. Military measures of mere defence did not constitute a war. But Mr. C. purposely abstained from entering into the question whether war did or did not exist; perhaps it did, but he was not willing to say so in this bill before the Senate knew the fact. He would not say that there was not a state of war; he assumed no such position. All he wanted was an opportunity to look at the documents to see how far we could be justified in solemnly declaring that war did exist.

With a view to test the sense of the Senate, he would move to amend the bill by striking out, in the third line of the first section, the words "prosecute said war to a speedy and successful termination," and inserting the words "repel invasion." If this motion should

succeed, he should then follow it up with corresponding amendments in the subsequent parts of the bill.

The question being on striking out and inserting as above proposed—

Mr. BREKESE demanded the yeas and nays, which were ordered by the Senate.

Mr. CALHOUN said he would now appeal to the Senate, and ask if there was a man there who could believe, on the only document which they had—how authentic he knew not—that there existed war, in its proper and constitutional form, between the two countries? War must be made by the sovereign authority, which, in this case, were the Mexican Congress, on the one side, and the American Congress, on the other. The President of Mexico could not make war. It could only be done by the two countries. Even if the two Presidents had declared war, the nations could disavow the act; and he called on the Senate to reflect upon the position in which they would be placed in case they made a declaration of war, and in due course of time there should come a disavowal on the part of Mexico. It would be a most extraordinary proceeding to make a declaration of war after what had been read by the Senator from Missouri as the language of the President of the Mexican Republic. He would much rather that the Senator from Delaware had divided his motion, and made the proposition first on striking out; and he put it to the conscience and to the sense of truth entertained by every member of the body, whether he could make a public declaration that war does now exist.

Mr. HUSTON said it was not his purpose to occupy much of the time of that honorable body; he rose merely for the purpose of declaring what the true position of this country, according to his apprehension, now was in relation to Mexico. His conviction was that they were actually in a state of war. War had existed for ten years between Mexico and Texas; and it had been declared in advance on the part of Mexico, when the question of the annexation of Texas to the United States was agitated, that if that annexation took place the war would not be continued against Texas, but war would be proclaimed also against the United States. The war had continued to be prosecuted against Texas, and Texas having in the mean time become a portion of the United States, the Government of the United States was now placed in the situation occupied heretofore by Texas in relation to Mexico. War, therefore, in his judgment, unquestionably existed between Mexico and the United States. It had been extended to the United States by the declaration of the Mexican Government, and had been continued and renewed by the recent acts of that Government—acts of outrage and violence committed upon the United States troops within that territory, from which they had declared they would expel the citizens of Texas as intruders and rebels. Texas having

been annexed to the United States in the face of these declarations on the part of Mexico, and in the face of the existing war, he would ask what circumstances had occurred since the annexation which had at all changed the nature of those relations, and rendered them peaceful? He apprehended that those relations had not changed; and if they had not changed, the United States and Mexico were unquestionably in a state of war, Mexico being yet engaged in an aggressive war upon the State of Texas, one of the States of this Union. The United States was, therefore, placed precisely in the situation in which Texas had been for the last ten years, subject to the aggressions, incursions, inroads, attacks, and outrages of the Mexican forces, acting in obedience to the commands of the constituted authorities of the Mexican Government. Could any doubt exist that they were in fact and truth in a state of war? In his conscience he could not resist the conviction that they were as virtually, as effectually in a state of war, as if Mexico had six weeks ago declared war expressly against the United States. Ten years ago Mexico commenced hostilities against Texas; there were temporary suspensions of hostilities, but the war was renewed from time to time; those cessations of arms were from time to time interrupted by renewed declarations of war and extermination against the inhabitants of Texas. How long was it necessary, then, to pause and consider whether there was war or not? How long was the Congress of the United States to ponder? Were they to regard the declarations of Mexico, pronounced by the chief officer or usurper of her Government, as having no force, on the ground that he had no authority to declare war?—that it belonged only to Congress to declare it? So long as they held that as the rule of their action, so long would they find themselves deceived. So long as he could delude them with professions of peace, so long would he continue those professions, while his acts would continue to be acts of hostility and violence.

He was prepared to vote for a declaration that we were in a state of war, and the measures necessarily consequent upon such declaration could be immediately adopted and carried into execution. Perhaps the next intelligence received would be that advantage had been taken of our inactivity, and some new outrage perpetrated more seriously involving the national honor and dignity than any which had yet reached our ears. We would then be prepared to act decisively, no doubt. Then, why not act at once? The officers of the Mexican Government announced her to be in a state of war: where, then, was the ground for hesitation? When they were informed that an experienced officer, an experienced military commander, had been despatched to the frontier with orders from the Government to assume the command, to supersede an officer already there, and to assume the responsibility of the prosecution of the war, did Senators believe it



[Mr. Sum.]

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was without a definite object? Did they believe it was to repel invasion alone that he was sent, and not to commit aggression? Was not the crossing of the Rio Grande by the Mexican forces of itself an act of war? Was not the entering our territory by an armed force an act of war? However the decision might hereafter be in regard to the precise extent of our territory, the Mexicans knew full well that the river had been assumed as the boundary. Up to the time of annexation it had been so considered, and, more than that, the Mexicans had never once established a military encampment on the east side of the river; it had never been held, even by themselves, to be within the limits of Mexico, otherwise than upon the ridiculous ground of claiming the whole of Texas to be theirs.

They had marched across the river in military array—they had entered upon American soil with hostile design. Was this not war? And now were Senators prepared to temporize and to predicate the action of this Government upon that of the Mexican Government, as if the latter was a systematic, regular, and orderly Government? He, for one, was not prepared to do so. How many revolutions had that Government undergone within the last three years? Not less than three, with another now in embryo. Perhaps the next arrival might bring us news of another change, and that the American army on the Rio del Norte had been destroyed while awaiting the action of the Mexican Government, in the supposition that it was a regularly-constituted Government, instead of being a Government of brigands and despots, ruling with a rod of iron, and keeping faith with no other nation, and heaping indignities upon the American flag. A state of war now existed as perfect as it could be after a formal declaration or recognition of a state of war by the Congress of the United States. Their action had been continually indicative of a state of war, and the question now was, whether the Government of the United States would respond to that action, and visit the aggressors with punishment.

Mr. MANGUM said, the evidence of the existence of war, which had just been presented by the honorable Senator from Texas, was not in consonance with the American idea of war, or at least not with what was the American idea when the question of annexation was under discussion here, at two several sessions of the Congress of the United States. And he assumed that such was not now the idea of a state of war on the part of the government, or those who held the political power and authority; for, if there was any one thing, above all others, that was repelled and repudiated at the time of the annexation, it was that we should thereby acquire a war. He thought that the opinion did not exist with any one who favored the measure of annexation, that we should, as a consequence of the consummation of that measure, assume a war. Nor did he believe that

such was the opinion of the Mexican Government. He thought, that the proclamation, which had just been translated by the honorable chairman of the Committee on Military Affairs, was clear and conclusive on that point. Did not the present head of the Mexican Government assume, that there was a state of peace between the two countries? He disclaimed clearly and distinctly the power, as the Executive head of the Government, of putting the nation in a state of war with the United States; and alluded to the assembling of a new Congress, when the question should be referred to them. He offered, then, as proof that a state of war did not exist, not only the American sentiment and the sentiment of all those gentlemen who were favorable to annexation, but the sentiment of the chief Executive officer of the Mexican Government; all going to show that a state of war did exist anterior to the recent acts of hostility on the banks of the Rio del Norte. Therefore the question was reduced to the point whether, in consequence of those acts of hostility, as far as we had evidence of them, war did exist. War, as had been justly remarked, was an emanation of the will of the sovereign power. And he appealed to the honorable chairman of the Committee on Foreign Relations to inform them in what document could be found the proof—for as yet no opportunity had been afforded to examine the documents—that Mexico had assented to any act of hostility which might be denominated a state of war.

But he had risen principally for the purpose of requesting the honorable Senator from Delaware to withdraw his motion, to strike out and insert; because in that form, the question was indivisible; but if it were made simply to strike out, then the question as to the matter which should be inserted might undergo any modification which, in the sense of the Senate, seemed necessary. And he was frank to say, that, in this state of the question, it was utterly repugnant to his sense of propriety and prudence to declare that the country was in a state of war, or to recognize a state of war in any form.

It was very desirable, however, that our troops should be enabled to act, and not be confined to the left bank of the Rio Grande; for he knew well the inefficiency of an army in the predicament in which ours was now placed. But, to repeat what had already been said, suppose it should occur that there should be a disavowal on the part of the Mexican Government of the act of aggression: where would then be the evidence of a state of war? In what predicament would Congress then be placed, in case they had declared that the country was in a state of war—or had recognized the existence of war, which was, in all respects, equivalent to a declaration of war? But he was willing, if there should be a necessity resulting either from a want of disavowal or a continuance of hostilities, by which it appeared that the sovereign authority of Mexico assented to the com-

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mission of acts of aggression, he was willing, in such case, to confide to the Executive the power of directing the American troops to proceed to the very seat of empire, and he was willing to grant all the means that might be deemed necessary in supplies of men and money.

MR. CASE said: I do not rise to detain the Senate long, nor to enter into any protracted discussion of the subject now under consideration. I have but little to say, and I shall say that speedily. In the first place, sir, I desire to answer the appeal which has been made to this side of the Chamber by the honorable Senator from Delaware, (Mr. J. M. CLAYTON,) He desires that portion of the bill which asserts the existence of a war between the United States and Mexico, brought on by the aggression of the latter, should be passed by for the present, and that we should now confine ourselves to a consideration of the measures necessary for the defence of the country. For my own part, I should be happy to take the course indicated by the Senator from Delaware, and which he asks us to adopt, were I not prevented from doing so by higher considerations. If we appropriate money and raise men for the mere purpose of repelling an invasion, we place ourselves in the very position which the honorable Senator from South Carolina, (Mr. CALHOUN,) deemed yesterday the proper one, and to which I then expressed, and yet feel, insuperable objections. A Mexican army is upon our soil. Are we to confine our efforts to repelling them? Are we to drive them to the border, and then stop our pursuit, and allow them to find a refuge in their own territory? And what then? To collect again to cross our frontier at some other point, and again to renew the same scenes, to be followed by a similar immunity? What sort of a condition of things would this be, sir? The advantage would be altogether on the side of the Mexicans, while the loss would be altogether ours. Their army is maintained at any rate, and it would cost them little more to renew and continue these border contests than to keep their troops in their cantonments, while we must spread troops along our border, and hold them in readiness to meet these invasions at whatever point they may be attempted. Now, sir, no vote of mine shall place my country in this situation. And besides, these Mexican hostilities will not be confined to operations by land. Are we to suffer their privateers to spread themselves over the ocean, to capture our sailors and vessels, and to ruin our commerce? This state of things, I, for one, am disposed to meet with promptitude and energy. Mexico has attacked the United States—has placed herself in a belligerent attitude. And now let her take the consequences of her own aggression. For these reasons, sir, while we provide for the defence of the country, I am for making the defence effectual by not only driving off the enemy, but by following them into their own

territory, and by dictating a peace even in the capital, if it be necessary.

But, sir, why does the honorable Senator from Delaware ask the separation, and request us to postpone our decision upon the relative condition of this country and Mexico, while we provide only for driving the invaders from our soil? He says, sir, that he desires time to examine the documents which the President has submitted to us, before he can decide whether there is a state of war between the United States and Mexico. I cannot conceive, sir, that any delay can be necessary for this purpose. The main facts are indisputable. They are before the Senate, before the country, and before the world. A Mexican army has passed our boundary, and is now upon the soil of the Republic. Our troops have been attacked, captured, and killed. Our army is surrounded, and efforts are making to subdue them. Now, sir, no documents are necessary to establish these facts; and these facts, it seems to me, are all that can be necessary to justify the statement of the President of the existence of war, and our concurrence in his recommendation. If, indeed, the object be to examine the conduct of the Executive, to ascertain whether this condition of things is to be attributed to him, then, undoubtedly, a careful examination of the documents would be necessary. And from indications already given, I presume that such an investigation will be entered upon. For one, I am prepared to enter into it, and I will venture to predict that the more severe it is, the more triumphant for the Administration will be the result. But that subject may well give way to this. Let us postpone that inquiry till we are provided for the defence of the country and the vindication of our honor. That course seems to me to be equally indicated by duty, by policy, and by patriotism.

And now, sir, permit me to advert to another branch of this subject. Strange doctrines have been heard yesterday and to-day, such as have been presented neither by the history of our own country, nor that of any other. Among those who oppose the course of the Executive, there seems to be an important difference of opinion on some of the principles which should regulate our conduct. By some it is contended that the invasion of the Mexican army is not an act of war, because we have no proof that it was committed by the order of the Mexican Government. While others, and among them the distinguished Senator from South Carolina, maintain, that no act of another country can create a state of war with this, unless such war be declared by Congress. Now, sir, it seems to me, that this pretension is equally dangerous in its conclusions, and unsound in the reasoning by which it is supported. If I understood the honorable Senator yesterday, he considers there are three conditions in which our country may be placed with relation to another. A state of peace, of war, and of hostilities. This, to me, sir, is a new division of the principle of

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intercommunication between different countries. War I understand, and peace I understand, and the rights and duties which they bring with them. But a state of hostilities, as contradistinguished from these relations, is a new chapter in the law of nations to me. Our constitution is equally silent upon the subject. I supposed, heretofore, that if we were not at peace with a country, we were at war with it. I had to learn that there was an intermediate state creating new rights and duties, which I am afraid it will be difficult to find, unless a new Grotius starts up upon the occasion. The Senator from Missouri (Mr. BEXTON) has correctly stated that there may be war without hostilities, and hostilities without war. Belligerent operations may be temporarily suspended, and there may be acts of aggression, which may be called hostilities, which may be committed without the authority of a government. Rencontres, for instance, between ships-of-war, or predatory incursions across the boundary of a country. But there can be no hostilities undertaken by a government which do not constitute a state of war. War is a fact, sir, created by an effort made by one nation to injure another. One party may make a war, though it requires two parties to make a peace. The Senator from South Carolina contends that as Congress alone have a right, by the constitution, to declare a war, therefore there can be no war till it is thus declared. There is here a very obvious error. It is certain that Congress alone has the right to declare war. That is, there is no other authority in the United States, which, on our part, can change the relations of peace with another country into those of war. No authority but Congress can commence an aggressive war. But another country can commence a war against us without the co-operation of Congress. Another country can, at its pleasure, terminate the relations of peace with us, and substitute for these the relations of war, with their legitimate consequences. War may be commenced with or without a previous declaration. It may be commenced by a manifesto announcing the fact to the world, or by hostile attacks by land or sea. The honorable Senator from Virginia (Mr. PENNYBACKER) has well stated the modern practice of nations on this subject. He has referred both to facts and authorities, showing that acts of hostility, with or without a public declaration, constitute a state of war. It was thus the war of 1756 was commenced. It was thus, I believe, was commenced the war between England and France during our Revolution. The peace of Amiens was terminated by an act of hostility, and not by a public manifesto. The capture of the Danish fleet was preceded by no declaration of the intentions of the British Government. Our own war of 1812 was declared on the 18th of June. The manifesto of the Prince Regent, declaring war against us, was not issued till January 10, 1813. And yet long before that our borders had been penetrated in many directions, an

army had been subdued and captured, and the whole territory of Michigan had been overrun and seized. All these facts prove conclusively that it is a state of hostilities that produces war, and not any formal declaration. Any other construction would lead to this practical absurdity. England, for instance, by an act of hostility or by a public declaration, announces that she is at war with us. If the view, presented by the honorable Senator from South Carolina, is correct, we are not at war with her till Congress has acted upon the subject. One party, then, is at war, while the other is at peace; or, at any rate, in this new intermediate state of hostilities, before unknown to the world. Now, sir, it is very clear that Mexico is at war with us, we at war with her. If she terminates the peaceful relations between two countries, they are terminated whether we consent or not. The new state of things thus created, does not depend upon the will of Congress. The two nations are at war, because one of them has chosen to place them both in that attitude.

But, sir, it is contended by some of the Senators that, in the present case, there is no evidence that the invasion of our territory has been authorized by the Mexican Government; and until that authority is shown, the act itself does not constitute a state of war. I have already said, sir, that there may be accidental or unauthorized rencontres, which do not therefore constitute war. The case of the "Little Belt" was of that description. But the nature and circumstances of an aggression sufficiently indicate its true character and consequences. A Mexican army invades our territory. The President calls upon Congress for the necessary means to repel and punish this act of aggression. And we are met, forsooth, at the very threshold of our proceedings, that it does not appear that this invasion has been committed by the authority of the Mexican Government. Why, sir, what evidence is required under such circumstances? Do you want such as is required by a county court in investigating a claim for fifty dollars? Must we have a certificate from a justice of the peace of Mexico that the President of that republic has directed this attack upon our territory? And whatever evidence may be required, how long are we to wait for it? How far may the invaders march, before we are satisfied that we are at war with Mexico? Why, sir, such a state of things must be judged by moral evidence, by the circumstances attending it. It might be enough to say that the invasion itself throws the responsibility upon the Mexican Government, and is a sufficient justification for us in holding that Government accountable. The negative proof is not upon us. The moral presumption is sufficient for our action. But, sir, there is much more than the bare fact of invasion to justify the conclusion that we are at war with Mexico. The Government of that country has protested ever since the first project of the annexation

of Texas, and has announced its completion as a *casus belli*. They have withdrawn their Minister from the United States, and broken off all diplomatic relations with us. They have refused to recognize, and have treated with contumely, our Minister charged with full powers to adjust all matters in dispute, and whom they solemnly promised to receive. They have collected an army upon our frontier, and have sent to assume its command one of the first military officers in the republic. He summoned General Taylor to retire, or that war would immediately commence. His summons being disregarded, he commenced the war by crossing in force into our territory, by attacking our troops, and by surrounding our army. Now, sir, I appeal to every Senator on the other side of the chamber, if he does not believe that all this has been done by order of the Mexican Government. I presume there is not a man within the sound of my voice, who will not say that, in his opinion, the Mexican general has acted under the direct instructions of the Mexican Government. And are we now to be told, sir, that we must sit still till we ascertain whether his acts have been avowed or disclaimed? No, sir. A hostile army is in our country; our frontier has been penetrated; a foreign banner floats over the soil of the Republic; our citizens have been killed, while defending their country; a great blow has been aimed at us; and, while we are talking and asking for evidence, it may have been struck, and our army been annihilated. And what then? The triumphant Mexicans will march onwards till they reach the frontiers of Louisiana, or till we receive such a formal certificate of the intentions of the Mexican Government as will unite us in a determination to recognize the existence of the war, and to take the necessary measures to prosecute it with vigor. It has, indeed, been suggested that acts of hostility, to constitute a state of war, must be directed by the legitimate authority of the country; and if not constitutional at home, they cannot be operative abroad. This is not the least strange among the strange principles we have heard advanced to-day. What have we to do with the constitution of Mexico? What have we to do with the powers of her President, or of her Congress? It is not for us to stop in the midst of our deliberations to turn over the pages of the last, so called, constitution of Mexico, and to seek how the powers of Government are divided among its various functionaries, nor to inquire what is the last *pronunciamento*, or who is the present Dictator of that unhappy country. The changes, both of authority and authorities, are so rapid that it is difficult to keep pace with them. Whoever directs the military power of the Mexican Government against us is, for our purposes, the representative of the Mexican nation. Whether he has attained that power by usurpation, by false construction, or by an exercise of legitimate authority, the responsibility of his country is the same. If a fleet of the United States

should, by order of the President, bombard an English town, or commit any other act of aggression, certainly we should be held responsible; and such acts of aggression would be considered acts of war. Honorable Senators have said that this act of invasion by the Mexican army may be unauthorized; and they demand of us, what would be the condition of the two countries if such should turn out to be the fact? Why, sir, the answer is equally clear and easy. If the Mexican Government should disavow the act of invasion, withdraw their army, punish their general, and make proper satisfaction for the injury done, peace would be immediately restored. But until this is done, we have only to accept the state of war which is offered to us, and act accordingly.

I have no doubt the boundary of Texas goes to the Rio del Norte. But I do not place the justification of our Government upon any question of title. Granting that the Mexicans have a claim to that country, as well as we, still the nature of the aggression is not changed. We were in the possession of the country—a possession obtained without conflict. And we could not be divested of this possession but by our own consent, or by an act of war. The ultimate claim to the country was a question for diplomatic adjustment. Till that took place, the possessive right was in us; and any attempt to dislodge us was a clear act of war. It appears to me, sir, that the present is a most important crisis in the history of this country—a crisis which is, perhaps, to affect our character and our destiny for a long series of years. If we meet this act of aggression promptly, vigorously, energetically, as becomes the representatives of a great and spirited people, we shall furnish a lesson to the world, which will be profitably remembered hereafter. But if we spend our time in useless discussion—if we adopt timid, half-way measures—if we delay action, seeking for further evidence, we shall exhibit counsels and conduct whose effects will impress themselves upon many a chapter of our future history. Our institutions have no admirers among the monarchical and aristocractical governments of the Old World. Our condition and progress are a standing reproach to many of the political principles which are there practically adopted. This new doctrine of a balance of power on the American continent is an unerring indication of what they apprehend and what they design. We have but one safe course before us. Let us put forth our whole strength. Let us organize a force that will leave no doubt as to the result. Let us enter the Mexican territory, and conquer a peace at the point of the bayonet. Let us move on, till we meet reasonable proposals from the Mexican Government; and if these are not met this side of the capital, let us take possession of the city of Montezuma, and dictate our own conditions. And I trust those conditions will be honorable and reasonable. If all this is done soon, it will be well done. But if delayed, there will be

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other parties than Mexico, who will soon mingle themselves in this affair; and the consequences may be felt throughout the civilized world. I am not afraid to trust the President with the necessary power to vindicate the country, and defend its honor. I believe he will execute his duties ably and patriotically. Before I conclude, I beg leave to tender my thanks to the distinguished Senator from Texas, (Mr. Houston,) for the patriotic sentiments he has this day uttered. He has shown us that he is as able to advocate the rights of his country in counsel as to maintain them in arms. His name is connected with one of those imperishable deeds, which connect themselves with the fate of nations. He led the forces of his adopted country upon that day which secured their independence, and broke the power of Mexico. He had the rare good fortune to overthrow a hostile army, and to capture the Chief Magistrate of a hostile nation. The Romans would have given him an ovation. We will give him what is better than that for a republican—a hearty reception among us, and the tribute of our thanks for his worth and services.

Mr. BERRIEN. The proposition of the Senator is that war exists. How does he prove it? Why, by the presence of a Mexican army around the United States army. Does he not thus decide the question of boundary? No. I beg to ask how that possession was acquired, and by whom? It was by the march of the United States army into the territory. If conceding that it was a disputed territory, the right of Mexico was equal with that of the United States to enter the territory. If our possession was derived from marching our army there, cannot Mexico exercise the same right? Does priority in an act of hostility vest a national right? The argument of the Senator is, that the march of the Mexican army was an act of hostility. If so, I have demonstrated that the march of the United States army was an equal act of hostility. War does not, then, exist by any act of the constituted authorities, in whose hands alone is the power to create war. In every aspect of the subject the proposition of the Senator is unsustained, and we are not subject to the imputation of maintaining the ridiculous position that we are not competent to stop at the Rio Grande, and refrain from repelling invasion. The question, whether the hostilities committed by the Mexican army against our army are to be repelled, is another and different question. I hold that there is nothing clearer than that such invasion may be repelled by the most powerful means, by the pursuit of the invaders, and by all possible and necessary means to make the repulsion effectual, and for purposes of chastisement. A declaration of war is not necessary for the purpose of arming us with all necessary power to repel the invasion, and punish the aggression. If recognized by the Government of Mexico, then war does exist; if not, the hostility will have been committed by an officer of the Mexican army, and

no war will exist between the two countries. Now I ask, what will be the consequences of the recognition of a state of war? The Senator has alluded to the withdrawal of the Mexican Minister, and the rejection of ours. But has not our commerce with Mexico been undisturbed? The presumption of the Senator, then, is refuted by the continuance of the discharge of the functions of our consuls. The rejection or withdrawal of a Minister is no evidence of the existence of any war—it affords no presumption of such a state of war. But I was about to allude to the consequences of a recognition of the existence of war. At once an end would be put to the subsisting treaties. Most conveniently for Mexico, the accumulated claims of our citizens would be obliterated—the property and lives of our citizens in Mexico would be at her mercy. It is said that Mexican privateers may be already on the seas. That cannot be, unless the hostilities have been recognized by the Government. The evidence thus far is otherwise. The Mexican Government will be answerable for every aggression upon our commerce, if made before a declaration of war. And for what are all these consequences to be incurred? Why, that we may chastise the Mexican army, and Mexico in all her parts and portions if she avows the act. But in absence of all evidence that this is the act of Mexico—with evidence looking the other way—is it proper, is it wise, is it justifiable in us, to make a premature declaration that war does exist?

Mr. J. M. CLAYTON rose to reply to the Senator from Michigan, (Mr. Cass.) He appealed to the opposite side, and asked them to wait at least till the evidence transmitted by the President was printed. The Senator from Michigan said he was satisfied of the fact. But he was satisfied without evidence—with nothing but newspaper reports. He was willing to "go it blind." He contended that there was no evidence before them to enable them to make up an honest opinion on the subject. He hoped that the majority would not exercise a power which they would not desire to be employed against them. Let them recollect that the day might come when the majority would be on his side of the Chamber. It might be that after examining the documents, he (Mr. C.) would be willing to vote a declaration of war. But he could not assent to that without examination—without a fair opportunity of forming a judgment.

Mr. Housron asked the Senator from Delaware, what evidence would satisfy him of the existence of a state of war.

Mr. J. M. CLAYTON replied, that authentic evidence of the fact that the hostilities had been sanctioned by the Mexican authorities would satisfy him. But there was no such evidence before them now. It was a common thing for the Mexican Government to disavow the acts of their generals. A general committed an act to-day, which the Government disavowed to-

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morrow. If, after declaration of war or a recognition of a state of war by the Congress of the United States, intelligence should be received of the fact that the Mexican Government had disavowed the act of their military officers on the Rio Grande, how mortified would they all be, and how much would they regret that they had not waited until they themselves had decided, after deliberate examination, instead of precipitately rushing on a declaration of war.

Mr. Houshron again rose, but yielded to—

Mr. WESTCOTT, who rose amid loud cries of "question," and said that he had been called upon to vote on this bill on yesterday, he believed he should have voted against it. But calm and cool reflection since then had convinced him it was his duty to vote for it. He did not entirely approve of the phraseology of the bill. This was, however, no time for verbal criticism. Immediate, prompt, decisive action was demanded. His objection to the bill was not that which had been urged. It was entirely different. He was not disposed (as this bill seemed to do) to throw upon Mexico the *commencement* of this war. He preferred that this Government, instead of the declaration in this bill, that "war existed," and "by the act of Mexico," should make an independent, affirmative, positive, and unequivocal declaration of war against that Government. He felt assured that the past conduct of Mexico towards the United States, ever since Mexico had claimed to be a distinct nation, if fairly exhibited to the civilized world, would fully justify such declaration. Yes, Mr. President, (said Mr. W.), if the soldiers of Mexico had not invaded Texas during the last month—if they had not murdered Colonel Cross—if they had not killed Lieutenant Porter—if they had not attacked Hardee and Thornton—nay, if her present rulers were now to apologize and atone for these acts, there is ample cause for our declaring war against her to be found in her past course towards us. Sir, we have been most forbearing towards Mexico. We have allowed our feelings for a neighboring sister republic to restrain us from demanding and enforcing long ago reparation for her insults and outrages. The American people would not have submitted to the indignities they have patiently endured from Mexico, from any other Government on God's earth. They would have risen as one man to repel them years since. This forbearance has but emboldened Mexico to further wrong. Her rulers have mistaken our sympathy for her difficulties and misfortunes, and our consideration of her weakness, for pusillanimity. It is time they should be undeceived. The world has been imposed upon with respect to the true causes of difference between Mexico and the United States. The recent occurrences are but a drop in the bucket. Mexico has artfully sought to create the impression that what she calls the "spoliation" of Texas is the origin and cause of these difficulties. Sir, (said Mr.

W.), before the Texas revolution, she had outraged our flag in her own ports, and on the high seas in the gulf. She had robbed and imprisoned our citizens, and even our diplomatic and consular agents in her jurisdiction were outraged and insulted in a manner which, by the acknowledged laws of nations, afforded to us just cause for declaring war against her. But we forbore to resort to this mode of redress. We negotiated a treaty with her, by which she engaged to indemnify our citizens. She plighted her faith as a nation to do them justice—to pay for her spoiliations of their property and outrages of their rights. Has she done so? No, sir! No, sir! She has ignominiously violated her plighted faith to them and to this Government. She has dishonorably withheld from us the debt she engaged to pay for their benefit. The President, in his Message, states that these spoiliations claims amount to upwards of \$6,000,000. I believe, sir, that \$7,000,000 would not indemnify those American citizens, who have suffered from the wrongs and outrages of that Government. She ought in justice to pay that amount, and this Government should compel her to pay it. Without referring to her insults to our flag—the insults to our diplomatic and consular agents, or even the imprisonment of some of them and other American citizens, we can find in her course with respect to the indemnity for the spoiliations, and in the gross indignity cast in the teeth of the American people, in the treatment of their commissioned Minister, (Mr. Slidell,) this winter, after her invitation to send him, as all Christendom would say, just cause for an affirmative declaration of war against her. Sir, (said Mr. W.,) I am not for temporizing—for any half-way measures. I am in favor of such declaration; and, without reference to recent occurrences, I should be in favor of it. I care not if the military chief who has usurped the reins of power in Mexico—I care not if its Congress should disavow the acts of Generals Ampudia and Arista—if it should disgrace and punish these officers for their recent acts in the State of Texas—still causes which would weigh with me as sufficient to justify this declaration, were not removed. Doubtless her rulers are instigated by the emissaries of other Governments inimical to us. Their influences cannot be concealed. They are manifest. They will not deter me in the least degree from pursuing the path that I believe the honor of my country requires me to follow.

Mr. President, I coincide fully in the distinction maintained on yesterday by the honorable Senator from South Carolina (Mr. CALHOUN) between mere *hostilities* and *war*, according to the meaning of the Federal Constitution. No hostilities can be recognized as war by this Government, unless they have been declared by Congress to constitute war. I hold, too, that it is important this distinction should be maintained; as otherwise the acts of the Executive may create war, and the wise constitutional

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provision, placing the power of declaring war exclusively in Congress, will be a dead letter. I am, however, for Congress in this case exercising its constitutional power. As I have before said, I should, after calm deliberation on the subject, prefer an affirmative, unequivocal declaration of war; but I am not disposed to be fastidious as to the mode. I should prefer a manifesto, stating our grievances to the world. But the effect of this bill, if it is passed, will be the same as if it was such affirmative declaration. The act of June 18, 1812, declared "war to exist against Great Britain;" and this bill recites that "it does exist by the act of Mexico." The effect is the essential part of the matter.

Mr. W. said he was in favor of the declaration of war; because he did not believe that hostilities could be as efficiently, effectually, and successfully carried on by the Executive without it as with it. I concur (said Mr. W.) in the opinions advanced on this point by the honorable Senator from Virginia, (Mr. PENNYBACKER,) and other Senators.

Without it, and without the express authority of Congress, the President cannot issue commissions to privateers—issue letters of marque and reprisal—cannot authorize the blockade of the Mexican ports—cannot authorize the capture of Mexican vessels on the high seas as prizes of war. Without such declaration, Mexicans taken in arms, after defeat in attacking our citizens or soldiers, cannot be held by the Executive authority as prisoners of war—treason in aiding her troops may even go unpunished; and, above all, without it the observance of the duties of other nations towards us, the duty of neutrality, so likely to be violated, could not be properly enforced. Without such declaration, Mexico may be supplied with arms, ammunition, and munitions of war by other nations; and if captured, they would not be liable to forfeiture as "*contraband of war*." The declaration of war will in every way strengthen the Executive arm in this contest—at home, abroad, on the field of contest, and in these halls. It will increase the efficiency of the supplies of men and money we propose to give threefold. It will convince the world we are in earnest in this matter. Other nations may profit by the information.

Even if this matter with Mexico should be settled in a month, the money we spend in warlike preparations, may not be spent unprofitably. If war is formally declared, the contest with Mexico must be carried on by the rules of civilized warfare—by the acknowledged laws of war. I prefer this to the quasi piratical Indian contest, which it will otherwise become. The rules of civilized war are well known. In this age, every nation must obey them. If war is formally declared, and Mexico should, by its favorable fortune to her arms, have the power to perpetrate a repetition of the atrocities of the Alamo and Goliad, she dare not do so in the face of the civilized world. I repeat, therefore, that I shall go for this part

of this bill, and am prepared to sit here till it is passed. Alteration will make delay, and expedition is all-important.

I do not approve of that part of this bill, which gives the President the power to select the principal officers of the volunteer militia. Was it a new question, I should be inclined to regard the constitutional objection raised to it as a very serious one; but I am disposed to yield to the precedents of 1812 and 1813 in its favor. I should be better satisfied to leave the power to the State authorities. The volunteers will be better satisfied. They will be jealous of officers of Federal appointment. But this objection I will forego, for the purpose of securing immediate action on the bill, that troops may be sent forthwith to the field, and the honor, and interests, and rights, of the country maintained.

Mr. CATTENDEN hoped that the emergency would not be found so pressing as some Senators appeared to suppose. He had great confidence in the officer commanding the forces on the Rio Grande, and was pretty confident that, in eight-and-forty hours after the date of last advice, it would be found that the general commanding had whipped the Mexicans, driven them across the river, and was in the town of Matamoras. He might be wrong, but that was his speculation. Still he admitted that they were not to act under such a supposition. They were to act with the least possible delay consistent with order and propriety. He was, to a great extent, prepared to vote for the supplies—not indeed so advisedly as he would have desired. One thing was certain—that there had been, to some extent, a conflict on the Rio Grande between the troops of the two countries. To whose fault that was to be ascribed he could not now say; but he feared that when that matter was investigated, it would be found that he would not be able to regard with entire approbation the conduct of the Executive. He saw no reason for the advance of the troops to the Rio Grande—for the hazarding of those consequences which every sensible man must have foreseen. It was not for a moment to be imagined that the angry armies of two angry and quarrelling nations should, day after day, face each other with cannons pointed at each other, and only a fordable river between them, and conflict not result. It was conceded that this was disputed territory. What right had the United States to take possession of it? Had not the other disputing claimant an equal right? But he would not prosecute that view of the subject at present. He was willing to consider the exigency as urgent as they pleased, and to make adequate preparation. As it was the wish of some Senators to rest with that in the mean time, he should be entirely content with that course, but he did not know that he would be willing to limit the Government to repelling invasion. Perhaps he would be satisfied with an expression of what he meant by repelling invasion. He

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meant by that, pursuing, beating down, till the borders were freed from danger of a repetition of the invasion.

A SENATOR. "That would be war."

MR. CRITTENDEN. No; there was a shade of difference—a very perceptible one. He believed it was indispensable policy to make the war as sharp and short as possible. If it lingered one year, it would not be a Mexican war. With a straw you could kindle a fire to burn down a city. In this connected condition of the world, war was felt everywhere. War could not be made with Mexico without touching the interests and exciting the jealousies of all nations trading with us. Great consequences might be involved in that war. He would therefore make it as compendious as possible. He would even, if he had his way, send a Minister Plenipotentiary with the General, and between every blow hold out the offer of peace. He would be willing to give the means to the President for the purpose of repelling invasion, and otherwise prosecuting hostilities, till the peace of the country be secured from the danger of further invasion. All the time he would give notice of peace by the Minister going along with the General. Thus limited, he was assured they would get any amount of military force. He would move to strike out and insert something like that which he had suggested. After expressing his dissatisfaction with the preamble, of which he saw no necessity—there was none in the declaration of war in 1812—the honorable Senator resumed his seat.

MR. CALHOUN then rose and said: Senators have not made the distinction—an obvious one—between the fact, whether there be war, and the act of declaring war. All admitted that there was no war connected with this invasion, which gave them a right to declare war. War was an act of hostility, which came from the sovereign power. As a mere matter of truth or falsehood, he could not vote for the bill. As men, and as patriots, he appealed to the Senators whether they ought not to remove this impediment, provided its removal would not destroy the efficiency of the bill. They ought to accommodate those who thought with him. Was it not desirable to have a strong vote? Why, then, not remove this impediment to a strong vote? There could be but one objection, and that was, that it would render the bill less efficient. But could that objection be entertained by any one? He now came to make some remarks on the speech of the Senator from Kentucky, (Mr. CRITTENDEN.) He had made a suggestion which seemed to remove every objection. It gave this bill all possible efficiency—ability to prosecute the hostilities not merely to the frontier, but beyond it. They could do more than that. But since some gentlemen around him seemed to say that there was war, he would allude to that. The difference between the existing state of things was

as wide as the poles. War placed every member of this community at war with every member of the Mexican community. But it did not end there—it created new relations between this country and all other powers, and amongst these relations was the right of blockade—interfering with the nations of the world, and tending to bring us into conflict with them. The moment war was declared privateering commenced, and swarms of privateers were let loose upon our extended commerce. And more than that, any mode of adjustment was set aside except that by a treaty of peace. Why, in the name of all that is reasonable, he asked, would they rush at once to the ultimate resort? Suppose this turned out to be a case in which war ought to be declared, after examination of all the documents: let the declaration be made in due form and with becoming dignity—not in this side-way, as if they were afraid to do it. Let them show a front to the world, such as was becoming the character of the nation. In the present condition of the world, war was a tremendous thing. The whole sentiment of the civilized world was turning stronger and stronger against war. And let us not, (said Mr. C.,) for the honor of our country—for the dignity of the republic—be the first to create a state of war. Mortal man cannot see the end of it. When I look on and see that we are rushing upon the most tremendous event, I am amazed. I am more than amazed; I am in a state of wonder and deep alarm. This is not the tone of character to go into war. They who go into war in this manner—as if seeking a decisive course—cannot expect to succeed. It is a hasty, thoughtless course. I do not wish to use any words in an offensive sense—but with all possible emphasis, I exhort you to avoid even the appearance of precipitancy, or want of that deep reflection and profound meditation which alone can guide you to a successful issue.

MR. ALLEN here said he would not protract the discussion. There were certain great facts in this case which no arguments could set aside. Our friendly relations with Mexico had been interrupted by her own acts. She had recalled her Minister, literally expelled ours, and had invaded our soil with her armies. These facts nothing could set aside, and the way of duty was as clear as noon-day.

The PRESIDENT then proceeded to put the question on Mr. J. M. CLAYTON's motion to strike out.

The question was then taken, and resulted as follows:

YEAS.—Messrs. Archer, Barrow, Berrien, Calhoun, T. Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Huntington, Johnson of Maryland, Johnson of Louisiana, McDuffie, Mangum, Morehead, Simmons, Upham, and Woodbridge—20.

NAYS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Cameron,



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Cass, Colquitt, Dix, Houston, Jarnagin, Jenness, Lewis, Niles, Pennybacker, Rusk, Semple, Sevier, Speight, Sturgeon, Turney, and Yulee—25.

So the motion to strike out was *not*, agreed to.

Mr. CRITTENDEN objected to the provision in the 6th section of the bill, which empowers the President, by and with the advice and consent of the Senate, to appoint the generals of brigade and division and the general staff, in support of which objection he submitted a few observations.

Mr. BENTON read from various acts, showing precedents for the provision objected to. Among the cases cited was the course pursued in 1812, involving precisely the same principle which was objected to by the Senator from Kentucky, (Mr. CRITTENDEN.)

Mr. CRITTENDEN, in reply, said he was aware that formerly the practice and the law was the same as provided in the section objected to, but since 1836 the laws had been different. In the act of 1836 it would be found that provision was made for a different course from that which had been pursued previously, which course had been observed as the rule since that time.

A lengthened conversation, in which Messrs. CRITTENDEN, HOUSTON, AROHER, and BENTON took part, then ensued on an amendment proposed by Mr. CRITTENDEN, to strike out the clause in the sixth section giving to the President the appointment of the generals of brigade and division.

Finally, after a division, the clause was stricken from the section.

No other amendment being proposed, the bill was reported to the Senate from the Committee of the Whole.

The amendments made in committee were then agreed to.

The bill, as amended, was then ordered to be engrossed for a third reading.

Several Senators calling for the immediate third reading of the bill, and no objection being made thereto, it was so read.

The PRESIDENT then proceeded to put the question, "Shall this bill pass?"

Mr. CRITTENDEN hoped that the question might be so put as to divide the preamble from the bill. The question might first be taken on the passage of the bill, without the preamble, and the preamble could be voted for separately. This would secure a large vote for the passage of the bill.

Mr. SEVIER said the preamble was only the title of the bill.

The PRESIDENT said, it is the opinion of the Chair that the preamble is a part of the bill, and that it cannot be divided.

Mr. CRITTENDEN said, now I want to vote for the bill, and I trust that by unanimous consent of the Senate the question may be taken on the bill, and on the preamble separately.

Mr. CALHOUN would not vote for it, with or without the preamble. It is a solemn declaration of war to Mexico and to the world. This

was taking a step of which he could not approve. When his name should be called, therefore, he would remain silent.

Mr. UPHAM wished to vote for the bill, but he could not vote for the preamble. He had not information to enable him to vote for the preamble, and he could not vote what he did not know.

Mr. DAYTON made a similar statement.

Mr. CRITTENDEN said the question might be put, "Shall the bill pass?" Make that the question, without the preamble, and he was willing and anxious to vote for it. He would not vote for the preamble.

Mr. BREESE said that if the question could not be divided unless by unanimous consent of the Senate, he would object.

Mr. MANGUM asked the President whether he and other Senators could vote for the bill with a protest against the preamble, and whether that protest would be put on the Journal.

Mr. SPEIGHT said that there was a precedent for entering a protest on the Journal.

Mr. CRITTENDEN appealed to the Senator from Illinois (Mr. BREESE) to withdraw his objection. After a pause, Mr. C. asked, Does the Senator yield his objection?

Mr. BREESE said, if the course indicated by the Senator from Kentucky was pursued, it would make the bill so unmeaning that he himself should be unwilling to vote for it; and the time for amending it had, by the rules of the Senate, passed. The preamble gave point and meaning to the bill, and it was now by a vote of the Senate a part of the bill. The fate of the bill might be endangered if this course was pursued.

Mr. CRITTENDEN pledged himself that he would move to reconsider, if there was any danger like that, which the Senator from Illinois apprehended.

Mr. BREESE then withdrew his objection.

The PRESIDENT then stated that, by unanimous consent of the Senate, the question would be, Shall the bill pass without the preamble?

Mr. BAGBY could not consent to have the question put in this way. He could not vote for the bill without the preamble.

Mr. CRITTENDEN suggested to the Chair that the question might be put somewhat differently from the form in which it had been stated.

Mr. J. M. CLAYTON saw no difficulty in voting for the bill itself, first, without the preamble, and then for the preamble.

Mr. BAGBY said, if it was put in this form, he would have to vote against the bill, while he wished to vote for it.

Mr. J. M. CLAYTON thought that the Senator from Alabama might vote for the bill without the preamble, and vote for the preamble afterward.

Mr. R. JOHNSON said that the Senator from Alabama could have no more difficulty in voting for the bill and the preamble separately than he could have for voting for different sections of the bill separately.

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The yeas and nays were called for and ordered.

Mr. MOREHEAD suggested that the question might be taken without the yeas and nays. There was evidently a large majority for the bill, and it would be better not to have the nays recorded.

Mr. MANGUM had made up his mind to vote for the bill, but he entered his most solemn protest against the hasty declaration of the preamble, about the existence of war, and he would ask the Senate that that protest might be entered on the Journal.

Messrs. J. M. CLAYTON and DAYTON entered similar protests.

The question, "Shall the bill pass?" was then put, and resulted as follows:

YEAS.—Messrs. Allen, Archer, Ashley, Atchison, Atherton, Bagby, Barrow, Benton, Breese, Bright, Cameron, Cass, John M. Clayton, Colquitt, Corwin, Crittenden, Dayton, Dix, Houston, Jarnagin, Jennings, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Morehead, Niles, Pennybacker, Rusk, Sample, Sevier, Simmons, Speight, Sturgeon, Turney, Upham, Westcott, Woodbridge, and Yulee—40.

NAYS.—Messrs. Thomas Clayton and Davis—2.

[Senators BERRIEN, CALHOUN, and EVANS, being in their seats, did not vote. The other members, whose names are not recorded above, were absent.]

When Mr. CRITTENDEN's name was called, he voted "aye, except the preamble." So also did Mr. UPHAM.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 13.

*The Army.*

On motion of Mr. McKAY, the committee proceeded to the consideration of the bill making appropriations for the support of the army, for the year ending on the 30th of June, 1847.

Mr. SEVERANCE said that facts could be set forth which would show that we were not acting in self-defence in the military movement on the Rio Grande. It was imperative upon us, while plunging into war, to inquire what were the causes of it, and how we got into it. He did not propose to go back to the annexation of Texas; but it was well known that the western boundary of Texas was in dispute, and was so admitted in the act assenting to the annexation. He would call upon any friend of the measure of war just adopted, to say when the Rio Grande was the boundary of Texas. An attempt was made by Texas upon Matamoras, but the expedition did not succeed, and the Texan troops were driven back. When did Texas hold any post on the Rio Grande? Never. The population between the Nueces and the Rio Grande were all Mexicans—there were no Texans there. It was our duty to see that our country was in the right in every conflict, and we could not advance the glory of the

country by placing it in the wrong; and it was our especial duty to preserve peace with the republics on this continent. He protested against sending the troops further than Corpus Christi. He had done his duty in voting against the bill.

Mr. DELANO said: We were in the midst of a war, which we had engaged in without authority of law, and without being in the right, and he was now ready to go shoulder to shoulder with all those who sustained the honor of the country. Where this war would end he could not predict. But we had not yet settled the Oregon question. He never had any confidence in the sincerity of the President's declarations of a purpose to maintain our rights in Oregon. He believed that he would give away all Oregon to prosecute this war for a territory not belonging to us. He would ask the gentleman from Illinois (Mr. DOUGLAS) where he stood now? Was he upon the ground of 61° now? Where was the expense of this war to end? It was said that we must conquer peace. We had let loose war. If any one could conquer it back again, he hoped they would undertake it very soon. If any one would take the contract at the South to conquer Mexico in ninety days, he would like to see it done.

We had declared war without notice. It came upon the country like a clap of thunder in a clear sky. The pirates were ready to be let loose upon our unprotected commerce. We had every thing to lose—nothing to gain. Send your armies, in the prosecution of this illegal, unrighteous, and damnable war, to the mountains of Mexico, and disease and the foe will sweep them off in thousands. The passes and mountains of Mexico would become a charnel-house for our people, and their bones would be scattered all over its vast territory, before this peace would be conquered.

Mr. DOUGLAS said: What reliance shall we place on the sincerity of gentlemen's professions, that they are for the country, right or wrong, when they exert all their power and influence to put their country in the wrong in the eyes of Christendom, and invoke the wrath of Heaven upon us for our manifold crimes and aggressions? With professions of patriotism on their lips, do they not show that their hearts are against their own country? They appeal to the consciences and religious feelings of our countrymen to unite in execration of our Government, army, citizen soldiers, and country, for prosecuting what they denounce as an unholy, unrighteous, and damnable cause. They predict that the judgment of God will rest upon us; that sickness, and carnage, and death will be our portion; that defeat and disgrace will attend our arms. Is there not treason in the heart that can feel, and poison in the breath that can utter such sentiments against their own country, when forced to take up arms in self-defence, to repel invasion by a brutal and perfidious enemy? They for their country right or wrong, who tell our people, if they

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rally under their country's standard, their bones will bleach on the plains of Mexico, and the enemy will look down from the mountain top to behold the destruction of our armies by disease and malaria, and all those mysterious elements of death which Divine Providence employs to punish a wicked people for prosecuting an unholy and unjust war! Sir, I tell these gentlemen that it requires more charity than falls to the lot of frail man to believe that these sentiments are consistent with the sincerity of their professions—with patriotism, honor, and duty to their country. Patriotism emanates from the heart fills the soul, infuses itself into the whole man, and speaks and acts the same language. A friend of his country in war will feel, speak, and act for his country; will revere his country's cause, and hate his country's enemies. America wants no friends, acknowledges the fidelity of no citizen who, after war is declared, condemns the justice of her cause, or sympathizes with the enemy. All such are traitors in their hearts; and would to God that they would commit such overt act for which they could be dealt with according to their deserts.

I will now proceed to examine the arguments by which the gentleman from Ohio, and those with whom he acts, pretend to justify their foreign sympathies. They assume that the Rio del Norte was not the boundary line between Texas and Mexico; that the Republic of Texas never extended beyond the Nueces—and consequently our Government was under no obligation, and had no right to protect the lives and property of American citizens beyond the last-mentioned river. In support of this assumption, the gentleman has referred to the dispute which he says arose between the provinces of Coahuila and Texas, and the decisions of Almonte and some other Mexican General thereon prior to the Texan revolution, and while those provinces constituted a State of the Mexican confederacy. He has also referred to Mr. Hastings' History of Texas, in which we are also informed that the same boundary is assigned to the Mexican province of Texas. I do not deem it necessary to go back to a period anterior to the Texan revolution, to ascertain the limits and boundaries of the Republic of Texas. But if the gentleman has so great a reverence for antiquity as to place more reliance upon old authorities, which have become obsolete and inapplicable, in consequence of the changed relations of that country, I will gratify his taste in that respect, by directing his attention to the various maps, records, histories, and authorities—Spanish, English, and French—by which it is shown that the Rio del Norte was the boundary line between the French province of Louisiana and the Spanish provinces of Mexico. The gentleman can satisfy himself on that point, if he will take the pains to read a despatch (I might with propriety say a book, from its very great length) written by the American Secretary of State, John Q. Adams, to the Spanish minister, (Don Onís), in 1819. He

will there find the authorities all collected and reviewed with a clearness and ability which defies refutation; and demonstrates the validity of the American title under the treaty of 1803, to the country in dispute, together with the expression of his opinion, by the venerable gentleman from Massachusetts, (Mr. Adams,) that our title to the Del Norte was as clear as to the island of New Orleans. This was the opinion of Mr. Adams in 1819. It was the opinion of Messrs. Monroe and Pinckney in 1805. It was the opinion of Jefferson and Madison—of all our Presidents, and all Administrations, from the day of the purchase of Louisiana in 1803, to the fatal treaty of relinquishment to Spain in 1819. I give the gentleman the opinion of these men in opposition to the opinion of Almonte and his brother Mexican General, and then leave the question of boundary prior to the Texan revolution. Will he tell us, and his constituents, that those distinguished statesmen, including his friend from Massachusetts, (Mr. Adams,) as well as Mr. Polk and the American Congress, were engaged in an unholy, an unrighteous, and damnable cause, in claiming title to the Rio del Norte?

But, sir, I have already said that I do not deem it necessary to rely upon these old authorities for the full and complete justification of our Government in defending possession of the country on the left bank of the Rio del Norte. There is better and higher evidence than this. The Republic of Texas held the country by a more glorious title than can be traced through the old maps and musty records of Spanish and French courts. She held the country by the same title that our forefathers of the Revolution acquired our territory and achieved the independence of this Republic. She held it by virtue of her Declaration of Independence, setting forth the inalienable rights of man, by men who had hearts to feel and minds to comprehend the blessings of freedom; by principles successfully maintained by the irresistible power of her arms, and consecrated by the precious blood of her glorious heroes. These are her maniments of title to the empire which she has voluntarily annexed to our Union, and which we have plighted our faith to protect and defend against invasion or dismemberment. We have received the Republic of Texas, with her entire territory, into this Union, as an independent and sovereign State, and have no right to alienate or surrender any portion of it. This obligation, the gentlemen of the opposition admit, so far as respects the country to the north-east of the Nueces, but deny both the obligation and right to go beyond that river. I should have felt myself under peculiar obligations to them, if they would have condescended to inform us upon what grounds they assume the Nueces to have been the boundary line of the Republic of Texas, and draw a distinction between our right to the country on the opposite sides of that stream. I know nothing in the history of that republic, from its birth to

its transition, that will authorize any such assumption. In order that I might be certain of the accuracy of the facts to which I am about to refer, I have taken the precaution, within the last few minutes, to have them authenticated by the testimony of the two most distinguished actors (one of whom I now recognize in my eye) of those thrilling and glorious scenes of the Texan revolution. Before this high authority, I assert that as early as the campaign of 1836, there were soldiers and officers too in the Texan army, who resided in the country between the Nueces and the Del Norte. These same heroic men from the west side of the Nueces, or so many of them as had not been butchered by the Mexican soldiery, were present at the battle of San Jacinto, on the 21st of April, 1836, when Santa Anna was captured, and the Mexican army annihilated. Although few in number, and from their residences exposed to more of the barbarities of the Mexicans than any other portion of Texas, they were faithful to the cause of freedom, and constant in their devotion to the cause of the republic throughout its existence. Immediately after the battle of San Jacinto, Santa Anna made a proposition to the commander of the Texan army to make a treaty of peace, by which Mexico would recognize the independence of Texas, with the Rio del Norte as the boundary. In May, 1836, such a treaty was made between the government of Texas and Santa Anna, in which the independence of the republic of Texas was acknowledged, and the Rio del Norte recognized as the boundary. In pursuance of this treaty, the remnant of the Mexican army were ordered by Santa Anna to retire beyond the confines of the Republic of Texas, and take their position on the west side of the Rio del Norte, which they did in conformity with the treaty of peace.

Mr. J. W. Houston. I wish to ask of the gentleman from Illinois, was that treaty ever ratified by the Government of Mexico?

Mr. DOUGLAS. I will answer the gentleman's question with great pleasure. That treaty was never ratified on the part of Mexico by anybody except Santa Anna, for the very good reason that, in the year previous, Santa Anna had usurped the Government of Mexico, had abolished the constitution and the regularly established Government, and taken all the powers of Government into his own hands. To give stability to the power which he had usurped by the sword, he called a Congress around him, composed of his own adherents and followers, and had himself formally proclaimed *Dictator* of the Republic of Mexico, and, as such, clothed with all the powers of Government, civil and military. In this capacity, he marched his armies into Texas for the purpose of reducing those people into subjection to the despotism which he had established, and exterminating the last vestige of freedom which remained in all his dominions. While engaged in this work of desolation with fire and sword, com-

mitting butcheries and barbarities unknown to civilized warfare, he fell into the hands of the heroic Houston and his gallant little army; a captive to those whom he was striving to reduce to captivity. Then it was that the tyrant became the suppliant—a suppliant for his life and liberty—at the hands of those he had designed as his victims. There the Dictator bent the knee in prayer for mercy, offering to recognize the independence of Texas, with the Rio del Norte. Subsequently the treaty was entered into in due form, as I have already stated, and the Mexicans evacuated Texas in pursuance of its provisions, retiring to the west side of the Rio del Norte. This treaty was entered into by the Government of Mexico *de facto*, Santa Anna combining in his own person at the time all the powers of the Government, and as such was binding on the Mexican nation.

Mr. JOHN QUINCY ADAMS. I desire to inquire of the gentleman from Illinois if Santa Anna was not a prisoner of war at the time, and in duress, when he executed that treaty?

Mr. DOUGLAS, in reply. Santa Anna was a prisoner of war at the time, and so was the entire Government of Mexico, he being the Government *de facto*, and clothed with all the powers of Government, civil and military. The Government was a prisoner at the time, and in duress. But will it be contended that that circumstance rendered its obligation the less obligatory? We are now at war with Mexico. Our armies will soon march into the heart of that country. I trust they will penetrate as far as the capital, and capture the army, people, and Government—make them all prisoners of war, and keep them in duress until they shall conclude a treaty of peace and boundary with us, by which they shall not only recognize the Rio del Norte, but such other line as we shall choose to dictate or accept. Will the gentleman from Massachusetts contend that a treaty made with us under those circumstances would not be binding, because, forsooth, the Government was a prisoner at the time? How is a conquered nation ever to make peace, if the gentleman's doctrine is to prevail? They refuse to make peace before they are conquered, because they hope for victory. They are incompetent to do so afterwards, because they are in duress! Surely an unfortunate and defeated belligerent would be in a most lamentable condition: too imbecile to resist, disarmed, conquered, still incompetent to make a treaty of peace, and adjust the matter in dispute on such fair and equitable terms as a magnanimous foe shall propose, because the war of aggression which they commenced has resulted disastrously, and made them captives! I fear that, if this doctrine shall prevail, these gentlemen will soon find their Mexican friends in a most pitiable condition. Perhaps, if that Government should be reduced to captivity, these gentlemen would require that our armies should retire within our own territory, and set the Government at liberty, before negotiations for peace

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*Removals from Office—Paymasters in the Army.*

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could be opened. This may be their view of the subject, but I doubt whether it is the view which the American Government or the American people will deem it their duty to act upon. Our crude notions of things may teach us that the city of Mexico would be the most suitable place to form a treaty of peace.

Mr. ADAMS. Has not that treaty with Santa Anna been discarded by the Mexican Government since?

Mr. DOUGLAS. I presume it has; for I am not aware of any treaty or compact which that Government ever entered into that has not either been violated or repudiated by them afterwards. And our treaty stipulations with them furnish ample ground for this presumption. I have not deemed it necessary to inquire, therefore, what particular acts of disavowal have been since adopted by the Mexican Government. It is sufficient for my purpose that the treaty was entered into and sanctioned by the Government *de facto* for the time being. The acts of a Government *de facto* are binding on the nation as against foreign nations, without reference to the mode in which that Government was established, whether by revolution, usurpation, or rightful and constitutional means.

## IN SENATE.

THURSDAY, May 14.

*Removals from Office—Paymasters in the Army.*

Mr. DIX moved to take up the bill making alterations in the Pay Department of the Army; which motion was agreed to.

The bill provides for one assistant paymaster general, and to increase the number of paymasters to eighteen instead of fifteen. The change was contemplated as a peace establishment, but was now rendered indispensable. By the present law, paymasters were appointed to hold their situations for four years, but that had been found inconvenient, and the present bill proposed to make these officers permanent. Mr. D. read a statement from the Paymaster General, going to show to what inconvenience the department was subjected by these frequent changes of appointment.

Mr. JOHNSON, of Maryland, moved to strike out the second section of the bill, which makes the appointment permanent, and gave his reason therefor, quoting the law of 1820, under which all appointments of disbursing agents were made.

Mr. HUNTINGTON also advocated the proposition to strike out the second section, deeming it better that the law should remain as it is, and seeing no reason to make distinction between paymasters and other disbursing agents.

Mr. MANGUM expressed his willingness that the present law in regard to appointments generally should be abolished. He considered it a most injurious system which required a public officer, however meritorious and faithful he

might be, to be displaced at the end of four years. He was even willing that the party opposed to him in politics should have the benefit of the new system; for he believed that, if the offices were filled with the very worst material, it would be better than a constant succession of changes.

Mr. JOHNSON, of Maryland, contended that a knowledge on the part of a public officer, that he must be reappointed at the end of four years or else go out of office, would tend to make him a better officer. It was true that the Executive had the power to remove an incumbent from office at any time for sufficient reason, whether the tenure of the office was for life or for a limited period; but it was equally true that an additional security was furnished to the Government for the faithful discharge of the duties of the office by requiring upon every renewed appointment a renewal of the bond of the officer, together with his sureties; whereas, if the appointment was made for life, or during the pleasure of the Executive, the bond would not be renewed. He did not see why an exception should be made, however, in the case of the paymasters of the army. The Senator from North Carolina was at least consistent in desiring a change in the law generally.

Mr. CALHOUN said he regarded the recommendation of the Paymaster General as a sufficient reason, if there was no other, why the alteration should be made. He was a most efficient officer, and the department under his control was conducted in a highly creditable manner. The subject might be viewed under two aspects: first, in relation to the disbursement of money; and secondly, in relation to its political character. As regarded the first, the only security was in rendering the accounts. As regarded the political bearing, he concurred in the opinion expressed by the Senator from North Carolina. The limiting the term of office had done more towards making a revolution in the Government of the United States than almost any other. Going back to the origin of that law, it would be found that an extended controversy had taken place as to whether the removing power belonged to the President or not; and after much discussion it was decided—erroneously, he thought—that the power was incidental to the Presidential office. In that discussion Mr. Madison asserted that in his opinion it would be an impeachable offence to remove an officer without good reasons being assigned for such removal; and that was the prevailing opinion. He agreed with the Senator from North Carolina that the law thereafter enacted was founded upon the spoils system; for from that time our Government had become literally a Government of spoils, dragging it in its downward road to ruin. He believed it would come, in fact it had come to this, that every four years there would be a revolution of party in the United States. The Presidential election had become a struggle between two parties. Office expectants being

more numerous than officeholders, the latter must suffer defeat, and thus was produced a system of continual vibration. The existing law had opened the door to this improper state of things, and he thought they could not do a wiser thing than put an end to it; for, if they did not put down the system, it would eventually put down the Government.

Mr. WEBSTER said he had no disposition to enter into a discussion of the question of Executive patronage on this occasion. A bill had passed the Senate, if he rightly remembered, in 1836, the effect or object of which was to reduce the influence of the Executive derivable from the exercise of the appointing power. The question then led to a discussion, historical and argumentative, of the general question of the removing power of the President. In the consideration of that subject, he had come to a conclusion satisfactory to himself, that the general rule adopted by the Legislature as the construction of the constitution was erroneous. The first decision on the subject was made in that body in the year 1789, upon the passage of a law providing for the appointment and removal of the Secretary of the Treasury. The bill provided that the Secretary of the Treasury should be removed or removable at the will of the President. The question was much discussed, and it was finally decided by retaining the clause by the casting vote of the President of the Senate, Mr. John Adams. Mr. Madison led the debate on the same subject in the other House, and in that debate expressed the sentiment that any President who should remove from office a meritorious officer upon political grounds alone would be worthy of impeachment. Mr. Madison, however, yielded to what appeared to him to be an argument of necessity, and the two Houses of Congress recognized the power of removal to be in the President, though the power of appointment was vested not in him alone, but in him together with the Senate; and thus a complete anomaly was introduced; for he believed there was no other Government on the face of the earth in which the power of removal existed in one body, or under one organization, and the power of appointment in another.

Mr. BERRIEN. The power of removal at pleasure?

Mr. WEBSTER said he meant, of course, the power, of removal at pleasure. He knew of no constitutional form of government in which the power of removal was not considered part and parcel of the power of appointment. The office being held at the will of the appointing power, the removal of one man was effected by the appointment of another. There was no separate process of removal, and herein consisted the incongruity, he had almost said the absurdity, of our course of proceeding. There was no recorded copy of removals. The President sends to the Senate a list of names, A and B to be appointed in the place of C and D, removed. When were they removed? They

received no notice of removal until their successors presented themselves to take possession of their offices.

After the discussion upon the subject in the Senate in 1836, many distinguished Senators, never having had their attention turned to the subject before, were of opinion that the original construction of the constitution was wrong. The bill required that whenever a removal was made by the President, he should signify to the Senate the cause of removal. He remembered very well the history of the bill of 1820. It originated in the Senate and was advocated by several leading distinguished gentlemen, who proceeded upon the ground of placing more responsibility upon the persons appointed, and providing for greater accuracy and promptitude in the settlement of accounts. But they did not take the political view of the question at all. They never dreamed of the great extension of political power which they were giving to the chief executive officer of the Government. They were all aware of the unhappy state of things which had thus been brought about. It was a state of things which had a most pernicious tendency, leading to a constant succession of contests for political power, which contests were stimulated and promoted far more by personal motives than by a desire to advance the public interests. Taking it for granted that there would always be opposing parties existing in a popular Government—and he supposed that all wise and sensible men would admit that it was of importance that there should be opposing parties—he supposed also that every sensible man would admit that as little of personal motives should be permitted to enter into political struggles.

At an early period of the session he had intimated to the Senator from Virginia that it was his purpose, during the session, to revive the bill which passed the Senate in 1836, and to bring the subject again to the consideration of the Senate and before the country; for he verily believed that there was not a fact or circumstance of more evil omen existing in this Government than the great facility which the four-years law afforded to the Executive Government for increasing its influence.

Mr. J. M. CLAYTON said he had examined the subject somewhat attentively, and in his opinion the Senator from South Carolina had suggested the true remedy for the disease, viz: the regulation of the power of removal from office by law. There was nothing to prohibit Congress from passing such a law, and the President would be bound to see that it should be carried out. A remedy which he himself had had the honor to submit many years ago, was that a law should be passed providing that the President might during the recess of Congress, if it became necessary, make removals, but that he should submit to the Senate, in its executive capacity at its next meeting, the causes of such removals. Thus the matter would be

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subject to the control of that body, where he thought the power ought to be vested, viz: in the representatives of the sovereign States of the Union. Whenever such a proposition should be made he would be ready to support it.

Mr. ALLEN next addressed the Senate. He said: This debate has extended beyond the limits of the bill before the Senate, and has embraced the general question of the power of the President to remove officers. Many remarks have been made in disparagement of that practice, and in justification of its converse. The bill before us purposes, I understand, to repeal the act at present in force by which paymasters are appointed for four years, and to make such appointments substantially for life. I am very well aware that the indiscriminate exercise of the power of removal carries with it many great inconveniences. It has undoubtedly many objections. But I do not believe that these objections, numerous and grave as they may be, bear any sort of proportion to the objections which may be urged against the opposite policy. We have to look to experience as the great instructor upon this subject, and we must include the whole system of American Government, including the States as well as the Federal system. We are to look to the general sense of the American people on this subject of the tenure of office and the power of removal; and we are to look at it through all the departments politically. How is it, then, in the States? Begin with the legislative department. There you find that the authority which is vested by the people according to the forms of the constitution, in individual citizens, by which they are constituted the legislators of the States, is in every instance limited to a period of years. And why? Because a return of the power to the body of the people, and a passing in review of the agents who exercised that power before the great tribunal of the people, has been found, from the foundation of the Government to the present day, to constitute the great safeguard of the rights and liberties of the people. This is the case in State and Federal legislation. How is it with regard to the Executive power, which is the power now in question? In every single instance the executive power is not only limited to a term of years, but to a very short term of years. And for the same reason as in the other case—in order that the agents who exercise that power may be made to pass in review before the tribunal of the people, in whose behoof and by whose authority the power was delegated to them. Look to the judiciary power, of all others under the Government the one supposed by many, which ought to be passed out of the reach of popular revision, and to be made enduring and permanent. How with that power? In the Federal Government it stands where it was placed by the Constitution of the United States—vested for life; but in many of the States of the Union, in which originally the

judicial power was limited to a large number of years, the tenure has been abridged by experience. In some of the cases, where the power of electing judges was vested in the legislative authority of the State, it has been transferred—for the purpose of bringing it more immediately under the reversion of the popular eye—to the people themselves. That's how it has been! It is a great American principle. It lies at the foundation of our system.

The frequent recurrence to first principles is one great feature in our system of government, and the frequent recurrence to the original source by which power is delegated is another. Sir, we have decided this question as a nation and as States. We have dreaded these fixtures which grow up into a settled and independent authority—an authority independent of the people, and which soon become, in virtue of that independence, essentially and of necessity hostile to the people. We dread this sort of corporate authority to hold political power during the life of an individual. Besides, our Government, sir, is one that rests upon the will of the people. The great struggle of all good men is to interest the whole body of the people in the action of the Government, by keeping their attention constantly fixed upon its action. And although in this struggle we may invoke individual selfishness to participate more fiercely than otherwise in the political contests of the day, yet that very fact has its advantages as well as disadvantages—and very great advantages. The enjoyment of the public honors of the country is a part of the rights and fortunes of the American people—it is a part of the honorable inducement held out to them to be loyal to free institutions. It is calculated to elevate the public mind, and the whole mass of the people, to let it be known distinctly that every one is eligible under the constitution to these honors, and that office is accessible to all, in consequence of there being no privileged class in the community who are entitled to enjoy office for life. Again: everybody knows that the moment a man feels secure for life in his office, he cultivates a feeling of independence and disregard to the people which rises to a perfect contempt of the people. Authority then comes to be more appreciated than liberty. The man begins to feel a taste for arbitrary power. He begins to talk about the tumult of the masses. He begins to dread the wholesome political excitement by which the masses are interested in the affairs of the Government. He sets himself up as a being created to authority—as a curb in the mouth of the masses. That's the feeling. It does not belong to one man more than another, perhaps, but is inseparable from the condition of a man placed in a state where he is conscious of the enjoyment of power, and originates in that disposition that is inherent in the human mind to abuse power when it can be abused with impunity. I say, then, that the benefits resulting from the principle which I am defend-

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ing more than counterbalance the necessary evils. All this idea proceeds upon the principle that the people of the United States are induced by a mere selfish excitement to take too much interest in the affairs of government—that the man seeking office goes about and incites the people to take too much interest in political affairs. I deny this. I do not believe that such a thing can occur. I do not believe that the mind of this great nation ever is, or ever can be, too much excited about the public affairs. I believe that these excitements, though they may occasionally look scowlingly on the public peace, yet constitute the only guaranty we have in this country, or in any other, for the preservation of popular liberty; and the moment the public mind is lulled into repose—the moment that the eyes of the people are diverted from public affairs—the moment that they are lulled into a belief that all is going on well, and that they need not disturb themselves about public affairs, then public authority will override public liberty. This does not connect itself with one party or with the other in particular, but exists in the genius, and nature, and constitution of the human mind.

There are paymasters in the army. They are money-holders. They are intrusted, as disbursing officers, with an immense amount of money, and it is proposed by this bill to give them a lease for life of public authority. They are the very class of public officers, which, of all others, should be brought most directly in review of the appointing power. The President of the United States is required by law to administer the laws. The constitution holds him responsible for the manner in which the laws are executed. When a law is wrongly executed, who is blamed? The President of the United States is blamed. Why? Because the constitution intrusts him with the duty of seeing that the laws are rightfully executed. How is it with the people themselves? Where is a power more competent to pass judgment on a public officer than the people themselves? As to the evil spoken of, arising from party contests for office, I should like to know how that would be prevented by making life the tenure of office. Every office holder would have his relatives, whose preferment he would desire, and would therefore become just as much a party man as if liable to be turned out.

This is one of the inconveniences which grow out of free institutions, owing to the imperfection of human nature, and which you can never avoid, and preserve these institutions. That's the ground that I take. I will ask, where is the power more quick in removing obnoxious public agents than that exercised by the people themselves? None, sir. The President on coming into power, finds thirty or forty thousand officeholders entirely adverse to his views and principles, and hating him for his success. How is it possible that, with them,

he could faithfully execute the laws? But I am, above all, opposed to this life estate of political power, because it puts the official out of the reach of popular revision. I do not care who the official is. I hope to see the judges of the United States elected every four years. It ought to be done. That's my opinion about it. If the highest public functionary in the Government is elected every four years, and must then pass before the people before his lease can be renewed, if it be renewed at all, I think it is proper that all subordinate officers should be regulated in the same way. In conclusion, I repeat, that those life estates of political authority are entirely adverse to the genius and structure of our free institutions.

Mr. MOREHEAD said he had risen simply to say that he did not recognize the power of the President to remove from office, either directly or indirectly. It was a power susceptible of more abuse, and leading to more dangerous consequences, than any other power constitutionally exercised by the Executive. Neither in the constitution nor in the practice of the Government was the exercise of this power sanctioned in the President. When the discussion arose on the subject in 1789, concerning this power, Mr. Madison assumed that the power did exist inherent in the Executive Department. Congress went so far as to recognize the power of removal for cause, but never went so far as to acknowledge it to the extent of removal at the discretion of the President. Surely it was not contended by Mr. Madison, or any other member of Congress, that any such power belonged to the President. On the other hand, when Mr. Madison said it was a power inherent in the Executive, it was insisted that, if in the exercise of it, faithful incumbents were removed without cause, it would be a sufficient ground for impeachment. He (Mr. M.) looked on this as a most dangerous power, and he was extremely gratified that the Senator from Massachusetts proposed to bring the subject before Congress in a proper form. He trusted he would. He would, at all events, have the sanction of the arguments and votes of many of the most distinguished individuals who had occupied seats on that floor, and the advantage of the recorded votes of the Senate itself on that very question. If he (Mr. M.) did not mistake, the Senate of the United States had denied that the power existed, and had adopted a resolution denying the power of the President of the United States, and regulating the power as held by him in conjunction with the Senate of the United States. He trusted the Senator from Massachusetts would persist in his determination, and as far as he (Mr. M.) was concerned, he would give him all the support he could give.

Mr. SEVIER thought it very strange that, about the first session of every Administration, they were favored with that old question about removal from office. In 1836, it so happened that the Senate entertained different political



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sentiments from the President, and it was then the resolution referred to by the Senator from Kentucky was passed. He made removals that did not meet their sanction, and they were disposed to resist them. Since that time, the Senators from Massachusetts (Mr. DAVIS) and from South Carolina (Mr. CALHOUN) had given their commentaries on it. (Mr. S. here made an allusion to the practice of Mr. Tyler, and associated Mr. CALHOUN's name, as Secretary of State, therewith: the exact words were not heard.)

Mr. CALHOUN arose to say, that when he went into the Department of State, under Mr. Tyler, he was in entire ignorance of the practice spoken of. He knew nothing about it, and had always been opposed to the practices charged upon Mr. Tyler in regard to removals. He condemned it as much in him as any other, and the Senator from Arkansas was one of the last on that floor from whom he would expect such a charge to come.

Mr. SEVIER made a few remarks; among the rest, he observed, that Mr. Tyler continued to make removals down to the very last day he was in office.

Mr. CALHOUN again arose, and reminded the Senator from Arkansas that he (Mr. C.) had already condemned the practice. Mr. Tyler was in the habit of making his own removals and appointments, and was told by him (Mr. C.) that it was a new and unwarranted practice, and one to which, had he been a new member of the Administration, he would not consent.

Mr. MOREHEAD asked permission to make one remark. He, (Mr. M.), as a member of his committee, had occasion to be occasionally at the State Department during Mr. Tyler's Administration, and happened to know something of the views of the honorable Senator from South Carolina, (Mr. CALHOUN,) and he remembered the opinions expressed then to him by the honorable Senator were exactly the same as those expressed on that occasion to the Senate.

Mr. SEVIER then went on to say, that in making the remarks he had made, he supposed the action of the Executive was the action of all parts of it. He referred to no particular person—not to the Senator from South Carolina, but to the Administration of which he formed a part. He said again that the subject of removals was a general subject of remark. When a new party came into power, they had the old story that was begun in 1789, renewed in 1833, and continued in 1836, and so on down till the present. He thought, however, that the Democrats had consistency on their side, to say nothing about it in 1841.

Mr. CALHOUN again arose, and after complaining of the reiteration by the Senator of Arkansas of a charge which he (Mr. C.) had explicitly corrected him in before, and hoping he would not repeat what was false, he went on to say that he always thought the great and fundamental difference between the popular

and anti-popular parties related to Executive patronage. He had always supposed that men anxious to preserve a popular government were disposed to limit it to the smallest amount consistent with efficiency. Now he would ask whether it would be more favorable to the Executive to possess at all times and use the unbounded power of removal? That was the simple question. Was the President not to have it to be used for good cause—such as death and resignation, which could afford ample room for new appointments? But he would go further, and say that the grave and wholesome doctrine was, that when a man in office had under his control the whole patronage, such a system went to make a king. Every one knew that such a state of things would be a succession of struggles between the *ins* and *outs*; and the *ins* being armed with power, would maintain and perpetuate that power. It was well known that numbers enter into politics as a mere mode of obtaining a livelihood. When I affirm that already as many persons live upon the expenditures of this Government, as the half of the great population engaged in the cultivation of the cotton lands, the extent of the evil may be imagined. The income of the Government is almost equal to half of all the income derived from cotton property. Now, we know what a large mass of our population is engaged in the cultivation of cotton, and yet, through the action of this Government, as many persons are living upon the public revenue. But that is not all. Put, then, the half of the income of the cotton property into a lottery, to be drawn every four years: so many men will go into that lottery in hopes of drawing a prize, that when the victory is achieved, not one in forty can be rewarded. What is the result? The thirty-nine disappointed, and who fought only for the "spoils," turn round in process of time—when political degeneracy takes place, as it will—to the other side, and seek the next turn of the wheel when another lottery is drawn. Thus they go on.

Can any wise man—can any patriotic man—can any genuine friend of human liberty, look at such a spectacle without the most poignant regret? He must be little informed indeed in politics who does not know all this; and knowing all this, he will be asserting one of the most untrue and monstrous propositions on the face of God's earth, who says that this is a "popular doctrine." What! "A popular doctrine!" This a "popular doctrine!" It is the very reverse. It is the doctrine to create a king, and to annihilate liberty. As for myself, I have maintained on this subject a uniform position. When the act of 1820 was passed, it passed through Congress without my knowledge. The moment I heard of its passage, I pronounced to a friend that that law was one of the most dangerous ever passed, and that it would work a great revolution. I have always stood upon that ground; and yet I know that this position is not a popular position. But I speak the

truth when the truth ought to be spoken. The Presidential election is no longer a struggle for great principles, but only a great struggle as to who shall have the spoils of office. Look at the machinery: A convention meets and nominates the President, in which not unfrequently many of the Representatives of the States join, in a general understanding to divide the offices amongst themselves and their friends. And thus they make a President, who has no voice at all in the selection of officers! These things are known; and I say it is surprising that, being known, gentlemen who advocate the opposite doctrine assume to be Democrats. No. The Democratic doctrine is precisely the reverse of what they affect to teach. It goes against patronage and influence, and gives no more patronage than what the strict necessity of the case admits. Patronage, wisely and judiciously dispensed on the part of the Executive, may have a salutary effect in giving concentration and strength to the Government; but this wholesale traffic in public office for party purposes is wholly pernicious and destructive of popular rights. Properly applied, the policy is admirable; but as soon as the Government becomes the mere creature of seekers of office, your free institutions are nearly at an end. In this matter I have been uniform and sincere—whether right or wrong, time will disclose. But the evil has commenced. It is going on. It needs no prophet to foresee the end. I speak not in the language of prophecy; but who, judging from the past, can avoid the conviction, that unless the proper remedy be applied, the overthrow of your political system is inevitable?

Mr. ALLEN again addressed the Senate at considerable length. He said he had always thought the effect of Executive patronage greatly overrated. They had an instance of that in the case of the Tyler Administration. He came into the office of Vice President by a tremendous vote; circumstances transferred him to the presidential office, where he continued to offend the party who elected him, on the bank question, and shortly after the other party. He had the whole patronage of the Federal Government in his hands, and he used it without any religious scruples, in the hope of being elected President of the United States. Well, they knew what was the result of all that. Now, how near did Tyler come to make himself king? Why, poor old King Lear, at his last stage of life, was as near being a king as Mr. Tyler. Mr. A. here gave a very lively picture of the depressed state of the country during Tyler's Administration, and the facility he had to act upon numbers. Mr. A. then, to show the insignificance of Executive patronage, stated the fact that the average salaries of the fourteen thousand postmasters of the nation was only \$73 62 per annum; and these constituted the half of all the officers of the United States. It was not such patronage as that that was dangerous. It was such patronage as that of

the United States Bank—of the tariff—which corrupted millions and robbed the rest. Of all the departments of patronage, he thought those appointed to office the most trifling and paltry. One-half of the people would not have these petty offices. There were four hundred thousand men in his State, and of these, three hundred and fifty thousand would not take the gift of them; they ought not, then, talk about the people of the United States being corrupted by these paltry offices. They were too happy and prosperous, too happy and contented on their farms.

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, May 18.

#### *The Army Appropriation Bill.*

Mr. JACOB THOMPSON having, in pursuance of a pledge given, renewed the motion of Mr. McKAY, and the question thereon having been taken and decided in the affirmative, the House resolved itself into Committee of the Whole on the state of the Union, Mr. COBB, of Georgia, in the chair, and resumed the consideration of the bill making appropriations for the support of the army for the year ending on the 30th June, 1847, and of the amendments thereto pending.

Mr. LUMPKIN then addressed the committee as follows:

Mr. CHAIRMAN: It will be sufficient for the purposes of my argument to assert the fact, which all the world admits, and which many of the nations have formally acknowledged by solemn and sovereign act, that Texas, without the assistance or the encouragement of any other power, unaided and alone, by her own unsurpassed gallantry and the might of her arm, when all remonstrance had become unavailing, threw off the iron yoke of her oppressors, and achieved and maintained her independence upon many a battle-field on her own favored soil. Independence, and liberty, and redemption from political thralldom, were the watchwords that animated her people in all their sufferings, and the war-cry that gave them victory, complete and glorious, over their oppressors. Do you not remember, Mr. Chairman, the achievement of that gallant and intrepid band of Texans, who, on the memorable 21st of April, 1836, on the plains of San Jacinto, met and opposed the Mexican forces under the command of the President of that republic? Can you, sir, forget that these brave Texans, numbering in all but seven hundred and eighty-three men, led on by an able and experienced General, now a distinguished member of the other branch of the National Legislature, encountered in deadly conflict fifteen hundred Mexican soldiers, under the lead of their favorite commander, General Santa Anna? Sir, you cannot forget it, nor can the world fail to remember, that on that eventful day six hundred and

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thirty of the Mexican troops were killed, two hundred and eight were wounded in the conflict, and the whole of the remainder of the Mexican forces, numbering seven hundred and thirty, were made prisoners of war, and among these was the President of the Republic himself. But the best of this great and wonderful achievement remains to be told. This victory, unparalleled in modern warfare, was accomplished against such fearful odds, with the loss of two men, who were killed, and twenty-two others only were wounded. The faithful historian who has recorded this conflict, and who will perpetuate the memory of that bloody field and brilliant deed, has taught us, and all those who will come after us, to regard that day as the birthday of a nation, and that field as the grave of Mexican domination east of the Rio Grande. It is now, sir, well known as a historical fact that all the great powers of both hemispheres, including the United States, England, France, and Russia, acknowledged the independence of Texas, entered into treaties with her, and paid all respect to her national flag. It is well known, too, sir, that from that memorable day Texas had, without molestation or interruption from Mexico, maintained an organized system of government similar to that of the United States, securing to her people the full enjoyment of civil and religious liberty, and all the benefits and privileges of a well-balanced and properly-established constitutional Government. For eight years Texas continued to grow, increase, and prosper in the full enjoyment of the blessings of peace, unmolested by any hostile invasion by the armies of Mexico, or by any bands of organized troops from the Mexican borders. She was independent, and was recognized as such by the world, and no effort had been made on the part of Mexico to reduce her to subjection. I ask, in all candor, how have we done wrong to Mexico, and with what justice can she complain of outrages committed by the United States upon her territory, when we gave our consent that the independent republic of Texas should be admitted as a new State into our Union? Mexico, torn and distracted by factions, without the ability to maintain any organized system of government, had no hope of reducing Texas to subjection. This was not attempted by Mexico, and candor and truth require us to admit that no attempt would be made, with the expectation of accomplishing such an object, after an absence of eight years, during which Texas had been *de facto* independent, enjoying all the rights and exercising all the acts of sovereignty, and independent, also, *de jure*, by the solemn recognition of the nations. No reasonable man anywhere believed that such a result was in the remotest degree even possible; and it was universally conceded that Texas, as an independent sovereign power, had greater claims to consideration from the civilized world than even the self-styled republic of Mexico herself. In the honesty of my soul, I do most solemnly

believe—and such, I think, is the opinion of a large majority of the American people—that Mexico, unaided by any foreign nation, relying exclusively upon her own soldiers and resources to carry on a war, should she have attempted, by an invasion of that territory, to reduce Texas to submission, would have hazarded her very existence as an independent government. This was the condition, and such was the relationship existing between Texas and Mexico at the time the late overtures were made for the annexation of Texas to the United States. Before this measure was consummated, so desirable to both Governments, it was placed in issue before that greatest of all tribunals in all free Governments—the whole body of the people. It was discussed, canvassed, considered, and solemnly determined by the people of both Governments, with a full knowledge of all the facts, that the union of the two countries should be completed by the performance of the rites appropriate to a political act of a character so important and sacred. The people of this country were, to some extent, divided at that time as to the policy of admitting Texas as a State into this Union. This, I admit, was an honest difference of opinion; and the measure was one about which the most patriotic might with propriety at that time disagree. No man had a right to assail the motives of those who differed from him at that time as to the wisdom of the policy. But, sir, the question now assumes another respect. Texas has been admitted into the Union, the people of both countries have been consulted, and they have solemnly determined to unite their destiny under the broad and ample folds of the American banner. The deed has been consummated and ratified by the action of both Governments; and Texas has as much claim upon our protection as any other State in this Confederacy. The boundary of the United States is now extended to the western limit of Texas; her soil is our soil, her people our people; and her resources contribute to our greatness in peace, and to our defence in war. She is already represented in the other branch of Congress, and has recently, by authority of law, elected two members of this House. We have extended over the whole of her territory the laws of the United States, and made provision for their regular and proper administration. We have established within her limits districts for the collection of revenue, passed laws for establishing post-routes, and all other laws necessary to afford them equal rights and privileges as a component part of the American Union. We have done all this, and it is now too late to urge objections to the policy of this measure; and at a time like this, when our country has been invaded by hostile troops—when our soldiers have been captured, wounded, and killed in unequal and desperate conflict, and our army is exposed to peril from the overpowering numbers of the enemy, it is treasonable to withhold the supplies necessary for their relief; and no

good but much evil must result from a prolonged discussion upon the policy of annexing Texas to the United States, and the propriety or impropriety of the conduct of the President in directing the occupation by the army of the country between the Nueces and the Rio Grande. What if Mexico did protest solemnly against this act, and did announce that she would consider it a declaration of war on the part of the United States? What if she did unceremoniously withdraw her Minister, in consequence of the action of the General Government in giving its consent to the annexation of Texas? What if she did claim Texas as an integral part of the Mexican Republic, the right to reconquer which she would never relinquish? These declarations and acts occurred before the measure was consummated, and they did not influence our action then; much less should they control us now, when these menaces have been carried out by the invasion of Texas and the slaughter of our citizens; and we have been called upon to furnish men and means to chastise these invaders of our soil, and speedily to terminate the war they have commenced. But, sir, some of the opponents of the Administration on this floor have voted against the measures recommended by the President in his special Message in relation to the state of things on our south-western frontier, and passed by both branches of Congress a few days ago by an overwhelming majority. I was glad to see that this number was so small, and I sincerely regretted that there should be any, even one solitary man, who, on an important occasion like this, should feel constrained by his sense of propriety and regard for the constitution, to withhold from the Executive the whole power and resources of the Government, if necessary, to repel invasion from our soil, and to punish the aggression made upon our territory.

Sir, if these fourteen members had contented themselves with giving a silent vote, or if in their attempts to justify themselves before the country, they had not made a studied attack upon the Executive, I should have been contented that their votes and their speeches should have gone before the world without notice or remark from me. But the small band who voted in opposition have gained an accession to their number, and have been assisted in their assaults upon the Administration, by others who voted for the measure, as they now assert, with a mental reservation as to certain expressions contained in the preamble, and against which they both then and now enter their solemn protest. The act of Congress asserts, that the war actually existing was commenced by the republic of Mexico, and then makes provision for raising 50,000 volunteers, and appropriates ten million dollars, to prosecute this war already existing to a successful termination. I will do these gentlemen the justice to say that they are the advocates on this floor of all the necessary supplies of men and money for the defence of the country. They

have so declared, and I am unwilling to believe that there is an American citizen of any party or section of this Union who would withhold the means for defence against a hostile invasion from any quarter. It is enough for us to know that our soil has been desecrated; that our country has been invaded; that a hostile band of armed soldiers have killed and wounded our citizens, and that the American army, under General Taylor, is in a hazardous situation, and in need of assistance. At a time like this shall we be struggling for a mere party triumph? Can no circumstances or condition of the country, no perils however great, induce gentlemen in the opposition to cease their cavilling against the Administration or postpone their hostility to the President? Is not this an occasion when, for a time, all party distinctions and differences shall be forgotten, and with one voice, with one heart, and with one hand, we all shall march forward in defence of the soil, the rights, and the honor of the country? Admit, for the sake of the argument merely, that the President has mistaken the duties of his station, and has committed an aggression upon Mexico by ordering the army to occupy a position on the left bank of the Rio Grande opposite to Matamoras: is this a time for us to institute an investigation of his conduct? is this the proper time to be weakening the moral force and power of the Administration, upon whom the responsibility of prosecuting the war necessarily devolves? Does patriotism require at your hands, as the faithful representatives of the people, that you should now, in your elevated position, denounce the President for a violation of the constitution, by making an unauthorized and unholy invasion on the soil and territory of Mexico? Does your regard for the constitution of the country require you to denounce this war with Mexico as unauthorized, unjust, and damnable? What can gentlemen who assume such positions at a crisis like this promise themselves or their country? Will you promote the success of our arms by destroying, if such a thing were possible, the influence of the President? Are you encouraging enlistments for the service of the country by proclaiming to your countrymen that your Government is the aggressor?—that the President has, in violation of the constitution, without authority of Congress, made an aggressive, unjust, and damnable war against an unoffending sister republic? I beg such gentlemen to pause and reflect before they give utterance to such sentiments in this place, at a time like this. Retrace your steps, and withdraw, for a time, these charges, perhaps inconsiderately and too hastily made, and come forward with the same ability you have displayed against the Executive, in support of all the measures necessary to the efficient and successful prosecution of the war against Mexico, and, my word for it, the result will be such as to rejoice the patriots of all parties. If these charges are to be investigated, and if gentlemen

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will insist that they are made in good faith, and that they are prepared to sustain them before the greatest of all human tribunals—the enlightened public opinion of the civilized world—I call upon them, in the name of my countrymen of all parties, to postpone these bickerings and discussions until the rainbow of peace shall again span our country's horizon. The country cannot appreciate the patriotism of gentlemen who will, in the midst of a conflict, long stop to inquire whether their country be right or wrong; and I can assure such that the denunciations made by them against the President, and the charges they have preferred that he has, by committing acts of aggression on unoffending Mexico, plunged the country into an unjust, unrighteous, and damnable war, will not be responded to by any considerable portion of the people. Nine-tenths of the people, of all parties, have approved of the preliminary measures taken by the President for the defence of Texas and our south-western frontier. And with the first news of the invasion of our territory and the murder of our citizens upon the banks of the Rio Grande, with one accord we find the great mass of the people, of all parties, volunteering their services and marching to the scene of action to repel the invaders, and to punish the aggression. Politicians and members of Congress attached to particular interests may forget their country, and feel no indignation at the treachery and outrages committed on our own soil, and against American citizens, by the Mexican soldiery; but the people—the honest, patriotic, and industrious people—at home and by their own firesides, are always for their country, right or wrong. But, Mr. Chairman, there are two classes of protesters and cavillers whom it becomes my duty to notice before I close my remarks. The first class deny the truth of the proposition which asserts that war actually exists between the Government of the United States and Mexico; and the other admit that either formal or informal war may exist, but deny that it has been commenced by Mexico, and attribute it to the unconstitutional and aggressive action of the President in ordering our army to the Rio Grande. I shall notice each position briefly, in the few remaining remarks that I propose to offer for the consideration of the committee. That any official information has been received that Mexico has formally made a declaration of war against the United States, has not been asserted by the President in his late communication, nor have any of his friends on this floor contended that such was the fact. But the existence of the war is asserted. They contend that it does exist, whether any declaration has been made or not; and this is shown most conclusively from the despatches accompanying his message. In the early periods of the world, it was customary to proclaim a state of war by heralds; and war was always preceded by an open, formal, and official declaration. But such has not been the

custom in modern times; and even as far back as 1778, the withdrawal of a British Minister from Paris was considered and acted on as a declaration of war by France. And in 1812, although we, by a solemn act of Congress, declared war to exist between the United States and Great Britain, yet we did not wait to communicate that fact to the British Government, but commenced hostilities at once, and without a single day's delay. The ablest and most approved modern authors on international law all agree in the same thing, that war may exist without any previous formal declaration, and the facts connected with the present difficulties with Mexico only confirm and establish the great fundamental truths that they have asserted and maintained. What is war? It is the exercise of violence on the part of the supreme executive of one nation, on the soil, the citizens, or the property of another nation; and this is manifested, not by the declaration of the sovereign power formally made, according to the forms of the constitution, and officially communicated to those against whom the war has been made, but by any direct and positive testimony that will satisfactorily prove that hostilities have been commenced with the consent or approbation of the sovereign authority of a State. And what is the evidence afforded to us that a state of war existed anterior to the passage of the act of Congress to which reference has been made? In 1844, while Congress was in session, and considering the propriety of giving their consent to the admission of Texas into the Union, General Almonte, then the Minister of Mexico at the city of Washington, in advance of our action, protested, in the name of his Government, against the adoption, by this Government, of any such measure, and solemnly declared, that if it should be consummated, it would be considered by Mexico as a declaration of war by the United States. And Congress, not regarding this protest, and having giving its sanction to the act of annexation, the Minister demanded his passports, and immediately returned to his own country; and from that day to this Mexico has been without any diplomatic agent or minister resident in this city. But all this, with certain opponents of the Administration, amounts to nothing. Again, they have, under authority of the Government, issued proclamation after proclamation, denouncing the Government and people of the United States as robbers and plunderers of their territory, and have, by all means in their power, attempted to heap reproach and infamy on our character as a nation. They have long been indebted to our people several millions of dollars; and although they gave to our Government a reluctant admission of the fact, and entered into a solemn treaty stipulating and promising to make payment honestly and in good faith; in violation of their faith, honor, and reputation, they have refused to pay their just obligations, and repudiated the stipulations of a solemn treaty. And

still, sir, all is peace. With assurances from the ruling authority, for the time being, of that unhappy country, which had just been invested with the administration of its affairs, of a sincere disposition on their part amicably and by negotiation to settle all the questions of difference and dispute between us, a plenipotentiary was sent to the city of Mexico. Him they with treachery and perfidy refused to accredit or receive, and sent him from the country with indignity and insult. Add to this the fact, now well known to the whole country, that Mexico, under the lead of her ablest generals, commenced the concentration of a large force at Matamoras, on the Rio Grande, avowedly for the purpose of invading Texas, and making war upon the United States, and you will have some satisfactory testimony in regard to the intentions of the Mexican Government towards Texas and the other States of this Union. But this with gentlemen is nothing, and furnishes no evidence of the existence of a war on the part of Mexico against the United States. But again: the general in command of the Mexican troops at Matamoras orders the commanding general of the United States army, stationed on the left bank of the Rio Grande, to remove from his post to a point on the left of the Nueces, in twenty-four hours, or hostilities would be commenced immediately after that time. Shortly thereafter, two thousand troops, a detachment of the Mexican force, cross the Rio Grande, invade the territory of Texas, encounter a company of American troops under command of Captains Hardee and Thornton, who are killed, wounded, and taken prisoners, and our little army of occupation and observation in danger of being cut off entirely from their supplies, and with no hope of relief but in an increase of the military force at that point; and still statesmen, and patriots, and well-informed men, are contending that no war exists with Mexico, and are even refusing to vote the supplies of means and money for the defence of the country, because they assert that they have no satisfactory information of its existence. Is it necessary that the enemies on our south-western frontier shall march to the very gates of the Capitol, and direct the fire of their artillery against the walls of this building in which we are now deliberating, to satisfy these gentlemen that war has commenced? The admission of Texas into the Union, or the passage of the resolution by Congress giving her consent to her admission as a new State into the Union, not only imposed an obligation upon Congress to guard and protect and defend the rights of the people of Texas; but the constitution imposed the same obligation upon the President of the United States to defend and protect them against any invasion from foreign enemies, as well as from domestic insurrection. But the political opponents of the President charge him with making an aggressive war against the republic of Mexico, in violation of the constitution of the country. I

deny that such is the fact, and a few words will enable me to satisfy the committee that this accusation has no foundation in truth and justice, and savors of chagrin and of the disappointment of high political hopes and aspirations.

The President of the United States commenced a war with Mexico! Where, and under what circumstances? Was it when he signed and approved the act of Congress of the present session admitting Texas into the Union? Was it in approving the act extending over Texas the laws of the United States, and jurisdiction of the United States courts? Or was it when he approved that other act making ports of entry, and establishing collection districts within the State of Texas, one of which we made at Corpus Christi, within the limits of the disputed territory between the Nueces and the Rio Grande? This no one in debate has yet pretended. Was it in sending troops to Texas upon representations made by the Congress and Convention of Texas that an invasion from Mexico was apprehended, and in stationing them at Corpus Christi between the Nueces and the Rio del Norte? Oh, no; gentlemen on all sides admit that, in doing these acts, he manifested the character of a wise and prudent and patriotic Chief Magistrate. The ground of objection, however, in a word, seems to be that he ordered the removal of the army under General Taylor from Corpus Christi, on the right of the Nueces, to the left bank of the Rio Grande, opposite to Matamoras, and there raised field works, and erected batteries, upon which our cannon were planted, pointing at and commanding the town. And this position is assumed, under the false and groundless pretence that the territory between the Nueces and the Rio Grande belongs to Mexico, and has been from time immemorial under the control of that Government. And the march of an armed band of American soldiers over the territory, and the occupation of a post for military purposes, without authority from Mexico, was aggressive and hostile in its character; and the position taken by General Taylor opposite to Matamoras, and the temporary fortifications erected, could not be regarded in any other light than as an open war made by the President without authority, and in direct violation of the constitution of his country. Gentlemen forget that the station at Corpus Christi was on the right bank of the Nueces, and the occupation of that post was as much a violation of the constitution, admitting their position to be correct, as the occupation of the post opposite to Matamoras. If this is clearly and indisputably the property of Mexico, then I agree with them that the occupation of it would be an invasion of Mexican territory; and this the President would have no right to do, unless, for the purpose of defence, he should be compelled by circumstances to enter the territory of the enemies of the country. If those gentlemen who have now attempted to reproach the President of the United States with a violation of

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the constitution by making a war—an unholy, unrighteous, and damnable war—against a friendly sister republic, are sincere in the expression of these sentiments, how is it that they have sat here for five months the silent witnesses of this bold and direct violation of the constitution, and have made no motion to impeach the President, nor have even given utterance to a hint of disapprobation of his course? Are these the guardians upon whom the people can rely to protect their rights, and to defend that invaluable constitution? Are these men trustworthy, who, for five months, have connived at such glaring and dangerous violation, and not uttered even a whisper in its defence? The people will inquire, if such has been the case, into the conduct of these faithless servants, will hold them to a strict accountability, will know why they have thus remained in their seats since from the 1st of December last, and have made no motion calling for information on this subject. Why have not these gentlemen raised their voice, and called the attention of the country to the alarming violation of the constitution by the Chief Magistrate, and to his open invasion of Mexico—this friendly, loving sister? The army was stationed at Corpus Christi in the month of July or August last; they were, at all events, there at the commencement of the present session of Congress, with the knowledge of the whole country, the fact being communicated by the President to Congress in his Annual Message; and members of this House cannot avail themselves of the plea, at this time, that they had no knowledge of the fact. The country will look upon the charge made against the President as an afterthought, introduced now for political and party purposes, unworthy of the high character which a Representative of the people should maintain on this floor. But, sir, it was not aggressive to pass the Nueces, and to station our troops on the right bank of that river at Corpus Christi. How far, then, could these troops go beyond the Nueces, and maintain a pacific and defensive character? Can they go to the half-way line, or shall they stop short of it? I desire to know, and the country will inquire of you, when you return to your homes, at what point on the line of march from Corpus Christi to the Rio Grande it ceased to be pacific and for purposes of defence, and became aggressive and hostile in its character. It will be well for gentlemen to consider these questions, and be prepared with a satisfactory answer. It will not do to tell them that it was aggressive, because our army of occupation, under the direction of the President, was stationed on the banks of the Rio Grande opposite Matamoras, and that field works were erected and batteries raised that enabled our army to command the Mexican town of Matamoras, on the opposite side of the river. I contend that under all Administrations, from Mr. Jefferson down to the present, our Government, and almost every prominent

man in it, have maintained that Texas reached the banks of the lower Rio Grande; and that our troops could be stationed, and our works of defence could be raised, opposite to Matamoras, with as much propriety and justice as the establishment of a fortification, or other defensive work, on our own soil opposite to Canada. The extreme border, on the line of the enemy's boundary, is the place for works of defence. They are not to be placed in the heart of our own country. They would be useless there. To my mind there is no difference between the line of frontier toward Mexico, and that toward Canada; and if the President had done less than to have prevented, with all the means at his command, the invasion of this territory by a hostile band of Mexican soldiers, he would have been censurable for permitting the desecration of American soil by ruthless invaders, and the same gentlemen who now charge him with a violation of the constitution, and with a usurpation of power to make an aggressive war upon a friendly sister republic, would have raised the cry long and loud against his imbecility, his cowardice, and his want of ability to discharge the duties of the Chief Magistrate of this Union. I do not expect that the President can satisfy such individuals. It would be vain and worse than idle for him to make the attempt. But the great body of the enterprising, industrious people of this country, of all parties, with one accord will respect him for his prudence, cherish him for his wisdom, and honor him for the bold and fearless manner in which he has discharged his high and responsible constitutional obligations.

Mr. Toombs remarked that his colleague (Mr. LUMPKIN) had very properly placed this question on the ground of the defence of the President; and it was a little remarkable, when the country was represented by the friends of the Administration to be suffering from foreign invasion, and that the blood of American citizens, shed, as was contended, on American soil, was calling aloud for immediate vengeance, instead of responding to those appeals to patriotism which had been made, even this occasion must be consecrated to party, and a preamble placed before the bill to cover the usurpations of the Executive—a preamble declaring what no man could rise in his place and say he knew, that war had been made by Mexico. They could have voted supplies to defend Texas as well without this preamble; but it was too precious an opportunity to be lost to appeal to the people to sanction the wrongs and the usurpations of the Executive. And all those who were unwilling to subscribe to this declaration, the truth of which they could not know, and which he believed to be false, were to be branded as enemies to their country—as destitute of patriotism. If this were patriotism, he hoped there were but few patriots in the country.

The true question was not whether we should vote supplies for our army or protect our citi-

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zens in Texas. These questions were extraneous to that which was the subject of discussion, viz.: the defence of the Executive. The question of the annexation of Texas was also settled. He had opposed it as long as opposition was availing; since it had become a part of the country by the action of the constituted authorities—regularly, legally—it had become a part of our duty to defend it as much as to defend our native soil, and he was as ready to do it. It was not a question of dividing the country, but a question, where is the boundary of the country? And it was a fact that should be borne in mind, that out of fifteen or sixteen propositions for the annexation of Texas, there was but one that did not define its limits; and that one was passed by the House of Representatives and the Senate, and became a law. That left the question of boundary an open question, expressly declaring that "*so much of the territory as rightfully belongs to Texas should be annexed to the United States.*" Congress could not untie the Gordian knot at that time, or define precisely what the boundary was: it was left for the Executive to do this, and Congress was called upon to sanction that act.

The opinions of distinguished men, he said, had been cited, to show that Texas, in 1819, extended to the Rio del Norte. But it was competent for Mexico to divide her Departments as she pleased. But Mr. T. proceeded briefly to refer to facts, to show that the Texas which revolted from the Mexican Government, became independent, and was annexed, was bounded westerly by the Nueces, or might have extended a little further; that it had no claim to the Rio Grande; that Mexican jurisdiction had uniformly been exercised over the intermediate territory; that a Mexican custom-house remained there until the arrival of our army, &c. Hence, as long as our army remained at Corpus Christi, nobody objected to it; but he proclaimed in the face of this House and the country, that the marching our army to the Rio Grande was contrary to the laws of this country, a usurpation on the rights of this House, and an aggression on the rights of Mexico. Gentlemen were invited to make the most of this declaration.

His colleague asked where gentlemen would stop the advance of our army? Mr. T. would stop where the constituted authorities should determine the terminus; and in the mean time, the laws of the country required that the President should not mark it by the sword. The principle contended for by gentlemen here, and practised on by the President, would authorize us to go to Santa Fé, and would sanction the principle of the gentleman from Massachusetts [Mr. ADAMS] to take military possession of the whole of Oregon, and to treat about it hereafter.

Mr. T. went into a general review and condemnation of the action of the Executive in connection with this matter, and of the inconsistency therewith of the professions in his message

of a sincere desire for the maintenance of peace, &c., denying that the failure of the Mexicans to pay their instalments was any justification for the Executive. In case it were a *casus belli*—the propriety as well as the policy of considering which under the circumstances, he expressed doubt—he urged that it was a matter exclusively within the jurisdiction of Congress. If the failure to pay honest debts was a just cause for killing men, the infliction of the penalty might commence at home among our non-paying States.

Because gentlemen were unwilling to affirm a proposition in the preamble of the bill, which was not necessary to be affirmed, which was not important to the defence of the army or the country, they were declared to be unpatriotic, and deserving the condemnation of the great mass of the people. But he was willing to take the responsibility of it; he did not believe it was true, and he would not declare it. He would vote to send troops, and to furnish all necessary supplies for the defence of the country. But if this long list of grievances existed, what was the need of a preamble?—of the excuse that Mexico had begun it? Whether it be true, depended on nice questions of international law. No man could tell where the boundary was; it might be fixed by treaty or by the sword. If by the latter, it should rightfully be done by this House. But the President, usurping the power of the House, had assumed to do it, and this House were to be compelled to support him, or to be denounced as wanting patriotism. He did not believe the allegation of the preamble; he would not vote for it; he took the responsibility; and if his reputation was not sufficient to maintain itself against those who chose to attack it on this ground, it was not worth defence.

TUESDAY, May 19.

*Army Appropriation Bill.*

The committee resumed the consideration of the bill making appropriations for the support of the army for the year ending on the 30th June, 1847, and the pending amendments.

Mr. TIBBATTs said he was surprised at the course his colleagues had taken in debate, and he could ascribe it to nothing else than that they have for the moment allowed the feelings and excitements of partisanship to blind their usually clear views. His colleague who first addressed the committee, (Mr. G. DAVIS,) charged that war was caused, not by the Mexican Government, but by the President of the United States; by a usurpation of power not delegated to him. This was strange language for a gentleman who, he knew, had as warm feelings as any one towards his country. Was it the time for such a declaration? The country was in a state of war; should we dampen the ardor of our volunteers?—or should we not rather encourage them to buckle on their armor and



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march for the defence of the country! The gentleman tells his constituents to volunteer, but at the same time he declares that this is an unjust and unconstitutional war; that the President, who, he says, has made it, is a usurper—that he has trampled upon the constitution of his country. Are these the means for aiding the Government to enter and prosecute this war with reasonable hopes of success? His other colleague (Mr. GRIDER) said to his constituents, Go, defend your country; but the war is unnecessarily, unwisely brought on by the President; the Mexican Government was willing to receive a special commissioner to settle this difficulty, but the President would not send one. Mr. T. also alluded to the declaration of the gentlemen from Ohio, (Messrs. ROOR and DELANO,) the former of whom had said that our country was most notoriously in the wrong, that this was an unnecessary and damnable war, that the preamble of the bill declared a lie, and that the war was brought on, not by Mexico, but by the President of the United States; and the latter of whom had drawn so vivid a picture of our army being cut down by fevers, malarias, &c., that they would be slain by the hand of God, and that the brave Mexicans, looking down from their fastnesses upon them, would see them sacrificed by the influences of an unfavorable climate, &c. This *might be* patriotism, but the people would hardly think so.

But Mr. T. proceeded to inquire as to the correctness of the positions of his colleagues; and first, of Mr. DAVIS, who declared that this war was brought on, not by the Mexican Government, but by the unconstitutional act of the President—by the invasion of Mexican territory. The gentleman had referred to ancient atlases and records to show that the territory between the Nueces and the Rio Grande was Mexican territory. Mr. T. briefly examined his arguments—the whole purport and effect of which (he said) was to show what Spain claimed. But he now came to the boundary of Texas, as established by facts of modern times. On a former occasion he had referred to many distinguished statesmen, to show that the lower Rio Grande was the boundary of Texas. He had also referred to the treaty between Santa Anna and the authorities of Texas in 1836, by which he agreed to abandon all the country east of the Rio Grande. The Texans were contending for the ancient boundary of Louisiana—the Rio Grande. Though we parted with them unconstitutionally—though we could set up no claim to the inhabitants of the territory we ceded to Spain—they were not more bound to abide by it than the inhabitants of Kentucky would be by a treaty which should cede them to Spain. The inhabitants of that territory protested against it, and never submitted to the jurisdiction of Spain.

But gentlemen contended that there was no legal force to the treaty entered into by Santa Anna, by which he acknowledged the Rio

Grande to be the boundary between Mexico and Texas: but that Mexico was morally bound to it, there could be no doubt. She had received all the advantages of it. The Texans had Santa Anna and his army in their possession; they had the right to put them to death as they had the Texans whom they had murdered like sheep at the shambles. A large and honorable party in Texas insisted that they should be tried by the laws as murderers; but in consideration of their agreement to withdraw beyond the *western boundary* of Texas—the *Rio Grande*—they were released. By accepting of the benefits accruing from it, therefore, Mexico, in effect, ratified this treaty.

In order to show that Mexico considered the Rio Grande the boundary, he read from the proclamation of General Cos in 1844, after the expiration of the armistice, that every individual found within the territory one league from the left bank of the Rio Grande would be considered as a traitor. All the Texans, from the Rio Grande to the boundary of the United States, were devoted from that day to fire and sword; and the very town of Laredo, to which his colleague had referred, was included in this order.

The Texan Congress, by act of December, 1836, (from which he read,) declared their western boundary to be the Rio del Norte. His colleague said that no mere act of the Texan Congress could give Texas that country. He admitted this; but this showed the boundary to which the Republic of Texas claimed; this boundary was established by the organic law of Texas, as admitted into the Union. This district between the Rio Grande and the Nueces, as was seen from Texan geographies, which were more to the point than Spanish ones, composed a part of the county of San Patricio, which was represented in the convention which, since the passage of the first resolution for annexation, adopted the constitution of Texas; it also composed a part of a senatorial district of Texas, and part of a congressional district, to represent which on this floor, a member was now elected.

Mr. G. DAVIS made some remark to Mr. T., which was not heard.

Mr. TIBBATS. Certainly; he was about to refer to the same thing. By the 8d section, 18th article of the constitution of Texas (he proceeded to say) it was declared that all the laws then in force in the Republic of Texas not repugnant to the Constitution of the United States, to the resolutions of annexation, and the constitution of Texas, shall remain in full force. This act, then, of the Texan Congress, declaring the Rio Grande to be the boundary by this 8d section, became a part of the organic law of Texas; and with a knowledge that Texas thus claimed to the Rio Grande, and that it was thus represented in convention, and in both Houses of her Legislature, we adopted Texas as a State, and with her all her rights and responsibilities to foreign governments. We reserved,

It was true, as his colleague claimed, the right to settle the boundary; but the question was not as to the clear right of boundary, but as to the action of the Executive in this matter. His colleague admitted, as he had demonstrated on a previous day, that a defensive war may be made by the President, or by a State, when necessary to repel actual invasion. Now, suppose that, instead of the President of the United States, the Governor of Texas had called on the troops to repel the threatened invasion on this territory, he presumed no gentleman would doubt but the Governor might send his forces into the territory between the Rio Grande and the Nueces; and not only this, but it would have been his duty so to have done, because the constitution and law under which he was acting, and which he was bound to support, made it his duty to protect the territory of the State. And, so far as related to a defensive war, the President had the same rights, and the same duties and obligations, to repel actual or threatened invasion, as the Governor of the State would have had. He asked his other colleague (Mr. GRIDEB) to allow him to put him a question; he declined. He (Mr. T.) now put the same question to his colleague and to the committee, viz.: Is the President of the United States the Government of the United States?

Mr. DRUMGOOLE obtained the floor. Now as to the charge that the war has been made by the Executive upon Mexico. If the peaceful march of our army to the Rio Grande, with positive orders to commit no act of hostility—not to fire a gun unless in self-defence—to respect religion and property, and every thing else (which orders were complied with)—if this were war, the annals of warfare, from the creation of the world, furnished no parallel to such a "war." There was no act of war in simply marching our army there.

But he maintained, further, if the territory had been acknowledged Mexican territory, the peaceful march of an army there, although it might have been illegal and unconstitutional, was not in itself an act of war. Mr. D. read an extract from Vattel directly in support of this position. If it had been Mexican territory, (he said,) with the army in strict discipline—with the assurance given to the inhabitants that no harm would be done, the Mexican army would have no right to attack them; but such attack would be a violation of the law of nations, and General Taylor, without orders from the Government, would have had the right to "chastise" him. But he would be willing to admit, if gentlemen could establish that it was clearly, positively Mexican territory, then the President, while he did not make war, had been guilty of an illegal and unconstitutional act.

He premised that there were certain politicians who seem disposed whenever a territory is in dispute to give it up. When we had a dispute about the north-eastern boundary, they would not fight for it, but gave it up. There

were politicians now who wanted to give up the whole of Oregon that is in dispute; and who wanted the President to assume the responsibility of giving away Texas. Such politicians had but one step more to take to cap the climax, and that was, to give up the *whole country* rather than have any dispute about it!

The gentleman from Kentucky (Mr. G. DAVIS) undertook to define the boundaries of Texas by referring to Humboldt and other former writers. Texas claimed by a successful revolution, and no writer before that revolution could define the rights resulting from it. The right resulting from a successful revolution gave them whatever boundary they might establish and could maintain. The inquiry then was, what did they establish, and can they maintain it?

The gentleman from Kentucky undertook in reference to an arrangement made by Santa Anna, to interpret its terms as not acknowledging that Texas, in virtue of the revolution, extended to the Rio Grande. It seemed a very forced and indefensible construction of it. The arrangement was, that Santa Anna and his army, together with those who were not prisoners, should retire out of the Texan territory *beyond the Rio del Norte*. The gentleman said that ceded nothing. Texas did not ask them to *cede* any thing; she *claimed* that, in virtue of the revolution, her boundary was extended to the Rio Grande; but the retiring out of the territory of Texas "*beyond the Rio Grande*" fixed the fact, that to get out of Texas it was necessary to go beyond the Rio Grande.

The very fact of this arrangement being entered into by Texas proved that Oanales would not attempt to come into this side of the Rio Grande without the consent of Texas, and the very fact of the assent of Texas proved that it was her territory.

The gentleman from Kentucky drew the distinction between this arrangement on the part of Santa Anna and a treaty. Now, was it not always an arrangement, when a man was in a situation which precludes him from the full power of treaty? When he occupies a subordinate situation, it was never called a treaty, but always an "arrangement." The only question was, was there a moral obligation upon Mexico to carry it into effect? Mr. D. referred to Vattel, and said this was one of the cases in which he said a moral obligation was created. Mexico had derived the benefit from it; her President was rescued by it, who had forfeited his life; and if he had been hanged, and every soldier under him, the act would have been justified by all Christendom. Mexico, it was true, had repudiated and refused to sanction it. But if she did not choose to ratify it, she was morally bound to render satisfaction in some way or other for the benefit she received. If she has not formally ratified this treaty, she has substantially done so by her acquiescence in it. Though she sets up a vague claim to the coun-

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try between the Rio Grande and the Nueces, and to all Texas, yet what effort had she made to reclaim it? Her acquiescence in it, after the lapse of so many years, was a substantial ratification of that treaty.

But as we are in war, and it was agreed it should be vigorously prosecuted, how long should we prosecute it, and what objects do we propose to attain? We ought to prosecute it until we bring it to an honorable close, and attain the redress of our grievances. She has insultingly refused to negotiate, and prefers to adjust the boundary by the sword. Let it be decided by the sword. Let us maintain it to the Rio Grande if we are able, and never again offer to negotiate with her. Let us establish it in the way she herself has selected. We ought to prosecute it until we shall recover the money withheld and due to the claimants of this Government under our treaty with her. She has avoided any negotiation on the subject, and is no doubt now consoling herself that she has got rid of that treaty on the principle that war abrogates all treaties. He would not stop to contend whether in a case like this, the vested rights of our citizens were divested by war. Trust funds were exempt from confiscation by war, and he would not say whether these claims came under the rule of trust funds or not. He maintained that it was due to our citizens to see that we collect this money. Let us levy an execution upon them. But it is a wanton war on her part, exposing us to vast expenses, when every thing might have been settled peaceably, by negotiation. She, therefore, was bound to indemnify us for that war. And that was another object in prosecuting the war.

We ought above all to prosecute it until we vindicate our honor and make ourselves respected. In no other way could we secure our liberties. Let us longer refrain to do any thing under the idea of magnanimous forbearance, and we shall be considered a pusillanimous nation—a nation of cowards. A nation in that situation would not long preserve its liberties. And what is life without liberty to Americans, who have grown up under the shade of the tree of liberty? The way to preserve this liberty and our territory from being despoiled, is to carry the war beyond our own boundaries, as the best mode of preventing the enemy from coming within them. He would not only expel these marauders from this side of the Rio Grande, but he would pursue them into the very interior of Mexico, and he would never cease until the objects to which he had alluded were accomplished. Such would be the sentiments of the American people—such was the action which he believed was demanded by our honor and patriotism.

Mr. D. apologized for the desultoriness of his remarks, and concluded by expressing the hope that sufficiently large appropriations would be made to meet all the exigencies of the case, and to give assurance to the President and the country, that we are not wanting in what is

due to the country, to the rights of the people, and the honor of our revolutionary forefathers.

Mr. W. HUNT obtained the floor. Whatever differences of opinion might exist (he said) as to the causes of the present state of things, he trusted that nothing but a spirit of unanimity and devotion to our common country would be manifested.

He declared himself briefly in favor of the amendment proposing to increase the pay of the soldiers in the ranks. He adverted to the annexation of Texas, and to the opposition which, at every step, he had made to it until its final consummation; but remarked that since, by the action of the Government, the annexation had become a settled question, and no longer open to resistance or opposition in any form, he had acquiesced in the decision, notwithstanding the evils which he had apprehended (and still continued to apprehend) might result from it, and notwithstanding the unconstitutional manner in which it had been accomplished. Texas had been admitted; and deeply as he deplored the fact, yet in his action and his votes, he had been governed by the same principles of liberality, patriotism, and justice towards her that had marked his action in relation to any other portion of the country.

The principal purpose, however, for which he had risen, was to appeal to the political majority of this House; who, he thought, instead of hurling their thunderbolts at the minority, and spending their energies in bootless and ungenerous assaults upon those who differed in opinion from them in relation to the causes of this conflict, might find an ample field for the exercise of their patriotism and wisdom in maturing the measures requisite to meet the emergencies of the country. And he vindicated and defended the minority, on the score of patriotism and devotion to the best interests of the country.

The bill was ordered to a third reading; and having been read a third time, by its title, and the question being, "Shall this bill pass?"

Mr. HOPKINS asked the yeas and nays, which were ordered; and being taken, resulted as follows—yeas 198, nays none.

So the bill was passed.

IN SENATE.

FRIDAY, May 22.

*Oregon Jurisdiction Bill.*

The Senate then took up the report made yesterday by Mr. WESROOTT, the chairman of the Committee on the Territories, asking to be discharged from the further consideration of the resolution of the Senate and the bill from the House to extend the jurisdiction of the United States over the territory lying west of the Rocky Mountains.

Mr. WESROOTT said he had on yesterday signified his intention, when the subject should be brought up for discussion to-day, of moving the

postponement of the further consideration of it until the first Monday of December next—the first day of the next session. He would submit that motion. It was made under the conviction that no imperative necessity existed for any legislation on the subject at this session of Congress, and that, whatever legislation might be called for, it was best, it would be most likely to promote the interests of those citizens of the United States who had settled west of the Rocky Mountains, and in all probability best subserve the interests of the Federal Government, and the maintenance of our just rights as to Oregon, that further legislative action should be deferred to the next session. We could then act more advisedly; we should probably know the ground we were treading upon. Mr. W. said he did not speak for the committee in making these remarks. A diversity of opinion existed among the Senators who composed it on this point.

Mr. BAXTON then addressed the Senate. Mr. President, (said he,) the bill before the Senate proposes to extend the sovereignty and jurisdiction of the United States over all our territories west of the Rocky Mountains, without saying what is the extent and what are the limits of this territory. This is wrong, in my opinion. We ought to define the limits within which our agents are to do such acts as this bill contemplates, otherwise we commit to them the solution of questions which we find too hard for ourselves. This indefinite extension of authority in a case which requires the utmost precision, forces me to speak and to give my opinion of the true extent of our territories beyond the Rocky Mountains. I have delayed doing this during the whole session, not from any desire to conceal my opinions, (which, in fact were told to all that asked for them,) but because I thought it the business of negotiation, not of legislation, to settle these boundaries. I waited for negotiation: but negotiation lags while events go forward; and now we are in the process of acting upon measures upon the adoption of which it may no longer be in the power either of negotiation or of legislation to control the events to which they may give rise. The bill before us is without definition of the territory to be occupied. And why this vagueness in a case requiring the utmost precision? Why not define the boundaries of these territories? Precisely because we do not know them! And this presents a case which requires me to wait no longer for negotiation, but to come forward with my own opinions, and to do what I can to prevent the evils of vague and indefinite legislation. My object will be to show, if I can, the true extent and nature of our territorial claims beyond the Rocky Mountains, with a view to just and wise decisions; and in doing so I shall endeavor to act upon the great maxim, "Ask nothing but what is right—submit to nothing that is wrong."

It is my ungracious task, in attempting to act upon this maxim, to commence by exposing

error at home, and endeavoring to clear up some great mistakes under which the public mind has labored.

It has been assumed for two years, and the assumption has been made the cause of all the Oregon excitement in the country, that we have a dividing line with Russia, made so by the convention of 1824, along the parallel of 54° 40', from the sea to the Rocky Mountains, up to which our title is good. This is a great mistake. No such line was ever established; and so far as proposed and discussed, it was proposed and discussed, as a northern British, and not as a northern American line. The public treaties will prove there is no such line; documents will prove that, so far as 54° 40', from the sea to the mountains, was ever proposed as a northern boundary for any power, it was proposed by us for the British, and not for ourselves.

To make myself intelligible in what I shall say on this point, it is necessary to go back to the epoch of the Russian convention of 1824, and to recall the recollection of the circumstances out of which that convention grew. The circumstances were these: In the year 1821 the Emperor Alexander, acting upon a leading idea of Russian policy (in relation to the North Pacific Ocean) from the time of Peter the Great, undertook to treat that ocean as a close sea, and to exercise municipal authority over a great extent of its shores and waters. In September of that year, the Emperor issued a decree, bottomed upon this pretension, assuming exclusive sovereignty and jurisdiction over both shores of the North Pacific Ocean, and over the high seas, in front of each coast, to the extent of one hundred Italian miles, from Behring's Straits down to latitude fifty-one, on the American coast, and to forty-five on the Asiatic; and denouncing the penalties of confiscation upon all ships, of whatsoever nation, that should approach the coasts within the interdicted distances. This was a very startling decree. Coming from a feeble nation, it would have been smiled at: coming from Russia, it gave uneasiness to all nations.

Great Britain and the United States, as having the largest commerce in the North Pacific Ocean, and as having large territorial claims on the north-west coast of America, were the first to take the alarm, and to send remonstrances to St. Petersburg against the formidable ukase. They found themselves suddenly thrown together, and standing side by side in this new and portentous contest with Russia. They remonstrated in concert, and here the wise and pacific conduct of the Emperor Alexander displayed itself in the most prompt and honorable manner. He immediately suspended the ukase, (which, in fact, had remained without execution,) and invited the United States and Great Britain to unite with Russia in a convention to settle amicably and in a spirit of mutual convenience all the questions between them, and especially their respective territorial claims

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on the north-west coast of America. This magnanimous proposition was immediately met by the two powers in a corresponding spirit; and, the ukase being voluntarily relinquished by the Emperor, a convention was quickly signed by Russia with each power, settling, so far as Russia was concerned, with each, all their territorial claims in North-west America. The Emperor Alexander had proposed that it should be a joint convention of the three powers—a tripartite convention—settling the claims of each and of all at the same time; and if this suggestion had been followed, all the subsequent and all the present difficulties between the United States and Great Britain, with respect to this territory, would have been entirely avoided. But it was not followed: an act of our own prevented it. After Great Britain had consented, the non-colonization principle—the principle of non-colonization in America by any European power—was promulgated by our Government, and for that reason Great Britain chose to treat separately with each power, and so it was done.

Great Britain and the United States treated separately with Russia, and with each other; and each came to agreements with Russia, but to none among themselves. The agreements with Russia were contained in two conventions, signed nearly at the same time, and nearly in the same words, limiting the territorial claim of Russia to  $54^{\circ} 40'$ , confining her to the coast and islands, and leaving the continent, out to the Rocky Mountains, to be divided between the United States and Great Britain, by an agreement between themselves. The Emperor finished up his own business and quit the concern. In fact, it would seem, from the promptitude, moderation, and fairness with which he adjusted all differences both with the United States and Great Britain, that his only object of issuing the alarming ukase of 1821 was to bring those powers to a settlement; acting upon the homely but wise maxim, that short settlements make long friends.

These are the circumstances out of which the British and American conventions grew with Russia in the years 1824-'25. They are public treaties, open to all perusal, and eminently worthy of being read. I will read the third article of each—the one which applies to boundaries—and which will confirm all that I have said. The article in the convention with the United States is in these words:

"ART. 3. It is moreover agreed, that, hereafter, there shall not be formed, by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel."

This is the article which governs the American boundary with Russia, confined by its pre-

cise terms to the islands and coasts, and having no manner of relation to the continent. The article in the British convention with Russia, governing her boundary, is in the same words, so far as the limit is concerned, and only more explicit with respect to the continent. Like our own, it is the third article of the convention, and is in these words:

"ART. 3. The line of demarcation between the possessions of the high contracting parties, upon the coast of the continent, and the islands of America, to the north-west, shall be drawn in the manner following: Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of  $54^{\circ} 40'$  north latitude, and between 131st and 133d degrees of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland Canal, as far as the point of the continent, where it strikes the 56th degree of north latitude. From this last-mentioned point, to the point of intersection of the 141st degree of west longitude, will prove to be at the distance of more than ten marine leagues from the ocean. The limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom. And the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and, finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west."

These are the proofs, these the conventions which established limits on the north-west coast of America between the United States and Russia in 1824, and between Great Britain and Russia in 1825. They are identical in object and nearly in terms; they grow out of the same difficulties, and terminate in the same way. By each the Russian claim is confined to the coast and the islands; by each the same limit is given both to the United States and Great Britain; and that limit was fixed at the south end of an island, to the latitude of which (supposed to be in  $55^{\circ}$ , but found to be in  $54^{\circ} 40'$ ) the Emperor Paul had granted the privileges of trade to the Russian American Fur Company. It was a limit wholly in the water, not at all on the land. The American line never touches land, the British only reaches it by going north through Portland Canal to  $56^{\circ}$ , and thence to pursue the coast at ten leagues from it northwardly to  $61^{\circ}$ , and thence due north to the Frozen Ocean: leaving to the Russians only the projecting part of the continent which approaches Asia, and narrows the ocean into the strait which Behring found, and which bears his name. This is the Russian line on the continent with Great Britain; the United States have no continental line either with Russia or Great Britain.

I have shown you the limits established with

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Russia in 1824; I have produced the treaties which established them; and here also is a map which illustrates them, and shows every thing precisely as I have read it from the treaties. I set out with saying, that although this fifty-four forty was never established as a northern boundary for the United States, yet it was proposed to be established as a northern boundary, not for us, but for Great Britain—and that proposal was made to Great Britain by ourselves. This must sound like a strange statement in the ears of the fifty-four-forties, but it is no more strange than true; and after stating the facts, I mean to prove them. The plan of the United States at that time was this: That each of the three powers (Great Britain, Russia, and the United States) having claims on the north-west coast of America, should divide the country between them, each taking a third. In this plan of partition, each was to receive a share of the continent from the sea to the Rocky Mountains, Russia taking the northern slice, the United States the southern, and Great Britain the centre, with fifty-four forty for her northern boundary, and forty-nine for her southern. The document from which I now read will say fifty-one; but that was the first offer—forty-nine was the real one, as I will hereafter show. This was our plan. The moderation of Russia defeated it. That Power had no settlements on that part of the continent, and rejected the continental share which we offered her. She limited herself to the coasts and islands where she had settlements, and left Great Britain and the United States to share the continent between themselves. But before this was known, we had proposed to her fifty-four forty for the Russian southern boundary, and to Great Britain the same for her northern boundary. I say fifty-four forty; for, although the word in the proposition was fifty-five, yet it was on the principle which gave fifty-four forty—namely, running from the south end of Prince of Wales Island, supposed to be in fifty-five, but found to have a point to it running down to fifty-four forty. We proposed this to Great Britain. She refused it, saying she would establish her northern boundary with Russia, who was on her north, and not with the United States, who was on her south. This seemed reasonable; and the United States then, and not until then, relinquished the business of pressing fifty-four forty upon Great Britain for her northern boundary. The proof is in the Executive documents. Here it is—a despatch from Mr. Rush, our Minister in London, to Mr. Adams, Secretary of State, dated December 19, 1823:

"I at once unfolded to him (Mr. Canning) the proposals of my Government, which were: 1. That, as regarded the country lying between the Stony Mountains and the Pacific Ocean, Great Britain, the United States, and Russia, should jointly enter into a convention, similar in its nature to the third article of the convention of the 20th of October, 1818, now existing between the two former powers,

by which the whole of that country westward of the Stony Mountains, and all its waters, would be free and open to the citizens and subjects of the three powers as long as the joint convention remained in force. This, my Government proposed, should be for the term of ten years. 2. That the United States were willing to stipulate to make no settlements north of the fifty-first degree of north latitude on that coast, provided Great Britain stipulated to make none south of fifty-one, or north of fifty-five, and Russia to make none south of fifty-five."

Here is the offer, in the most explicit terms, in 1823, to make fifty-five, which was in fact fifty-four forty, the northern boundary of Great Britain; and here is her answer to that proposition. It is the next paragraph in the same despatch from Mr. Rush to Mr. Adams:

"Mr. Canning expressed no opinion on any of these points; but his inquiries and remarks, under that which proposes to confine the British settlements between fifty-one and fifty-five, were evidently of a nature to indicate strong objections on his side, though he professed to speak only from his first impressions. It is more proper, I should say, that his objections were directed to our proposal of not letting Great Britain go above fifty-five north with her settlements, while we allowed Russia to come down to that line with hers. In treating of this coast, he had supposed that Great Britain had her northern question with Russia, as her southern with the United States. He could see a motive for the United States desiring to stop the settlements of Great Britain southward; but he had not before known of their desire to stop them northward, and, above all, over limits conceded to Russia. It was to this effect that his suggestion went."

This was her answer, refusing to take, in 1823, as a northern boundary coming south for quantity, what is now prescribed to her, at the peril of war, for a southern boundary, with nothing north!—for, although the fact happens to be that Russia is not there, bounding us on the north, yet that makes no difference in the philosophy of our fifty-four-forties, who believe it to be so; and, on that belief, are ready to fight. Their notion is, that we go jam up to 54° 40', and the Russians come jam down to the same, leaving no place for the British lion to put down a paw, although that paw should be no bigger than the sole of the dove's foot which sought a resting-place from Noah's ark. This must seem a little strange to British statesman, who do not grow so fast as to leave all knowledge behind them. They remember that Mr. Monroe and his Cabinet—the President and Cabinet who acquired the Spanish title under which we now propose to squeeze them out of the continent—actually offered them six degrees of latitude in that very place; and they will certainly want reasons for this so much compression now, where we offered them so much expansion then. These reasons cannot be given. There is no boundary at 54° 40'; and so far as we proposed to make it one, it was for the British, and not for ourselves; and so ends this redoubtable line, up to which all

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true patriots were to march! and marching, fight! and fighting, die! if need be! singing all the while, with Horace—

"Dulce et decorum est pro patriâ mori."

Sweet and decent it is to die for one's country.

And this is the end of that great line! all gone—vanished—evaporated into thin air—and the place where it was, not to be found. Oh! mountain that was delivered of a mouse, thy name shall henceforth be fifty-four forty! And thus, Mr. President, I trust I have exploded one of the errors into which the public mind has been led, and which it is necessary to get rid of before we can find the right place for our Oregon boundaries.

I proceed to another of the same family—the dogma of the unity and indivisibility of the Oregon title, and its resulting corollary of all or none.

After examining this point at much length, Mr. B. proceeded.

I have now got to the end of the errors which I propose to correct at the present time. I have consumed the day in getting ready to speak—in clearing away the rubbish which had been piled up in my path. On another day, if the Senate please, I will go to work on the Oregon question, and endeavor to show how far we shall be right, and how far we may be wrong, in exercising the jurisdiction and sovereignty which this bill proposes (which is not a copy of the British act, but goes far beyond it) over an undefined extent of territory, to which we know there are conflicting claims. Light upon this point, at this time, may be of service to our country; and I mean to discharge my duty to her, regardless of all consequences to myself.

Mr. B. then gave way to a motion for adjournment.

MONDAY, May 25.

Oregon.

The Senate then proceeded to the consideration of the special order, the motion pending being that of Mr. WESTCOTT to postpone the further consideration of the bill to establish jurisdiction over the territory of Oregon until the first Monday in December next.

Mr. BEXTON rose and addressed the Senate as follows:

In resuming my speech on this subject, I wish to say, Mr. President, that the bill now before the Senate is not the one recommended by the President of the United States. He recommended that the sovereignty and jurisdiction of the United States be extended to our Oregon territory to the same extent that Great Britain had extended her sovereignty and jurisdiction to the same country. In this recommendation I fully concur; and I venture to say that if such a bill was brought in, it might pass the Senate (leaving out unnecessary speeches) in as little time as it would require to read it three

times by its title. But the bill before the Senate is not of that character. It goes far beyond the President's recommendation. It proposes many things not found in the British act of 1831—things implying exclusive jurisdiction and sovereignty in us, and that to an undefined extent of country, and under circumstances which must immediately produce hostile collisions between our agents and the British agents on the other side of the Rocky Mountains. I am opposed to all this; but I am not in favor of the indefinite postponement of the bill. I wish to see it amended and made conformable to the President's recommendation. If gentlemen who have the conduct of the measure here will bring in such an amendment, and put it on its passage without speeches, I will stop my speech until it is passed.

I will now proceed to show, as well as I can, the degree and extent of our just claims beyond the Rocky Mountains.

To understand what I mean to say, it is necessary to recollect the geography of the country in question, and see it presenting, as it does, three distinct geographical divisions, to each of which a different claim and a different degree of claim attaches, and which cannot be confounded under any one general view, without a general mystification and total confusion of the whole subject. The Columbia River and its valley is one of these divisions; the islands along the coast is another; Frazer's River and its valley (called by the British New Caledonia) is the third. Under these three divisions I now propose to speak of the country. Under these divisions I have always spoken of it; and what I have said of one part had no application to another. When I spoke of the great river of the West and its valley, either by its American name of Columbia or its Indian name of Oregon, I never intended Frazer's River and its valley, or Vancouver's Island, or the Gulf of Georgia, or Desolation Sound, or Broughton's Arch. When I speak of the coast and the islands, I do not mean the continent and the mountains; and when I speak of Frazer's River or New Caledonia, I do not mean the Columbia River. I repudiate all such loose and slovenly verbiage; and, desiring to be understood according to my words, I go on to speak of the country beyond the Rocky Mountains under the three great geographical divisions into which Nature has formed it, and to which political events have so naturally adapted themselves.

I begin with the islands.

From the Straits of Fuca (in fact from Puget's Sound) to the Peninsula of Alaska—a distance of one thousand miles—there is a net-work of islands—an archipelago—some large, some small, checkered in together, and covering the coast to the extent of one, two, and even three hundred miles in front of the continent. They are most of them of volcanic impression, and separated from each other and the continent by deep bays, gulfs, and straits, and by long deep chasms, to which navigators have given the

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name of canals. This long checker-board of islands, and the waters which contain them, have been the theatre of maritime discovery to many nations, and especially Spanish, British, and Russian; but, except the Russians, no nation made permanent settlements on any of these islands; and they only as low down as latitude 55. The British and Spaniards both abandoned Vancouver's Island after the Nootka Sound controversy; and from that time had no settlement of any kind on the coast or islands, north of Cape Mendocino, latitude 41°; and the British had none anywhere. In this state of the case the question came on between Russia, Great Britain, and the United States, in which the distinction between the islands and the continent was acknowledged by all the powers, and Russia excluded from the continent, and confined to the islands, because her discoveries and settlements were not continental, but insular. The convention with Russia (British and American) of 1824-25 were framed upon that principle; and now I proceed to read the instructions from our Government under which this distinction between the islands and the continent was asserted and maintained. I read from Mr. Adams's despatch to Mr. Middleton, July 22d, 1838:

"It never has been admitted, by the various European nations which have formed settlements in this hemisphere, that the occupation of an *island* gave any claim whatever to territorial possessions on the *continent* to which it was adjoining. The recognized principle has rather been the reverse; as, by the law of nature, *islands* must rather be considered as appurtenant to *continents*, than *continents* to *islands*."

And again, in Mr. Middleton's communications to the Russian Government:

"The Russians have an establishment upon the island of Sitka, in latitude 57° 30'. This fort, built in 1799, was destroyed three years after by the natives of the country, and re-established in 1804 by Mr. Lisianski, who called it New Archangel. Russia cannot, however, avail herself of the circumstance of that possession to form a foundation for *rights on the continent*, the usage of nations never having established that the occupation of an *island* could give rights upon a neighboring *continent*. The principle is, rather, that the *island* ought to be considered as appendant to the *continent*, than the inverse of the proposition."

These were the instructions to our Minister, under which we treated with Russia in 1824, and upon which the conventions of that period were formed. They establish the fact that these islands in front of the north-west coast were considered a separate geographical division of the country, governed by national law applicable to islands; and that discoveries among them, even perfected by settlement, gave no claims upon the continent. This is the way the two powers settled with Russia. Applying the same principle to themselves, and no discovery of Vancouver's Island, or any one of the thousand islands along that coast, can give

any territorial claims on the continent. I have considered it a cardinal error, in all the recent discussions on Oregon, to bottom continental claims upon these insular discoveries. The Spaniards, as so well shown in the speech of the Senator from New York, (Mr. Dix,) were the predecessors of the British in these discoveries; but I did not understand him as claiming the continent out to the Rocky Mountains, and up to 54° 40', by virtue of these maritime discoveries; and I am very sure that I limited my own sanction of his views to the tracks of the ships which made the discoveries. I consider Spanish discoveries along that coast as dominant over the British, both for priority of date and for the spirit of ownership in which they were made. The Spaniards explored as masters of the country, looking after their own extended and contiguous possessions, and to which no limit had ever been placed: the British explored in the character of adventurers, seeking new lands in a distant region. Neither made permanent settlements; both abandoned; and, now, I see nothing, either in the value or the title of these islands, for the two nations to fight about. The principle of convenience and mutual good will, so magnanimously proposed by the Emperor Alexander in 1823, seems to me to be properly applicable to these desolate islands, chiefly valuable for harbors, which are often nothing but volcanic chasms, too deep for anchorage and too abrupt for approach. In the discussions of 1824, so far as they were not settled, they were considered appurtenant to the continent, instead of the continent being held appurtenant to them; and the reversal of this principle, I apprehend, has been the great error of the recent discussions and has led to the great mistake in relation to Frazer's River. I dismiss the question, then, as to this geographical division of the country, with saying that our title to these islands is better than that of the British, but that neither is perfect for want of settlement; and that now, as proposed in 1824, they should follow the fate of the continental divisions in front of which they lie.

Frazer's River and its valley, known in north-western geography as New Caledonia, is the next division of the disputed country to which I shall ask the attention of the Senate. It is a river of about a thousand miles in length, (following its windings,) rising in the Rocky Mountains, opposite the head of the Unjigah, or Peace River, which flows into the Frozen Ocean in latitude about 70. The course of this river is nearly north and south, rising in latitude 55, flowing south to near latitude 49, and along that parallel, and just north of it, to the Gulf of Georgia, into which it falls behind Vancouver's Island. The upper part of this river is good for navigation; the lower half, plunging through volcanic chasms in mountains of rock, is wholly unnavigable for any species of craft. This river was discovered by Sir Alexander Mackenzie in 1793, was settled by



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the North-west Company in 1806, and soon covered by their establishments from head to mouth. No American or Spaniard has ever left a track upon this river or its valley. Our claim to it, as far as I can see, rested wholly upon the treaty with Spain of 1819; and her claim rested wholly upon those discoveries among the islands, the value of which, as conferring claims upon the continent, it has been my province to show in our negotiations with Russia in 1824. At the time that we acquired this Spanish claim to Frazer's River, it had already been discovered twenty-six years by the British; had been settled by them for twelve years; was known by a British name; and no Spaniard had ever made a track on its banks. New Caledonia, or Western Caledonia, was the name which it then bore; and it so happens that an American citizen, a native of Vermont, respectably known to the Senators now present from that State, and who had spent twenty years of his life in the hyperborean regions of North-west America, in publishing an account of his travels and sojournings in that quarter, actually published a description of this New Caledonia, as a British province, at the very moment that we were getting it from Spain, and without the least suspicion that it belonged to Spain! I speak of Mr. David Harmon, whose *Journal of Nineteen Years' Residence* between latitudes 47 and 58 in North-western America, was published at Andover, in his native State, in the year 1820, the precise year after we had purchased this New Caledonia from the Spaniards. I read, not from the volume itself, which is not in the library of Congress, but from the *London Quarterly Review*, January No., 1822, as reprinted at Boston; article, *WESTERN CALEDONIA*.

"The descent of the Peace River through a deep chasm in the Rocky Mountains first opened a passage to the adventurers above mentioned into the unexplored country behind them, to which they gave the name of New Caledonia—a name, however, which, being already occupied by the Australasians, might advantageously be changed to that of *Western Caledonia*. This passage lies in latitude 56° 30'. Mackenzie had crossed the Rocky chain many years before in latitude 54½°, and descended a large river flowing to the southward, named Tacoutche Tessé, which he conceived to be the Columbia; but it is now known to empty itself about Birch's Bay of Vancouver, in latitude 49°; whereas the mouth of the Columbia lies in 46° 15'. Another river, called the Caledonia, (Frazer's River,) holding a parallel course to the Tacoutche Tessé, (Columbia,) falls into the sea near the Admiralty Inlet of Vancouver, latitude 48°, and forms a natural boundary between the new territory of Caledonia and the United States, falling in precisely with a continued line on the same parallel with the Lake of the Woods, and leaving about two degrees of latitude between it and the Columbia. Its northern boundary may be taken in latitude 57°, close to the southernmost of the Russian settlements. The length, therefore, will be about 550, and the breadth, from the mountains to the Pacific, from 330 to 350 geographical miles.

"The whole of this vast country is in fact so intersected with rivers and lakes, that Mr. Harmon thinks one-sixth part of its surface may be considered as water. The largest of the latter yet visited is named Stuart's Lake, and is supposed to be about 400 miles in circumference. A post has been established on its margin in latitude 54° 30' north, longitude 125° west. Fifty miles to the westward of this is Frazer's Lake, about eighty or ninety miles in circumference; here, too, a post was established in 1806. A third, of sixty or seventy miles in circumference, has been named McLeod's Lake, on the shore of which a fort has been built in latitude 55° north, longitude 124° west. The waters of this lake fall into the Peace River; those flowing out of the other two are supposed to empty themselves into the Pacific, and are probably the two rivers pointed out by Vancouver, near Pont Essington, as we had occasion to observe in a former article. The immense quantity of salmon which annually visit these two lakes, leave no doubt whatever of their communication with the Pacific; and the absence of this fish from McLeod's Lake, makes it almost equally certain that its outlet is not into that ocean. The river flowing out of Stuart's Lake passes through the populous tribes of the Natchez, who say that white people come up in large boats to trade with the A-t-e-nas, (a nation dwelling between them and the sea,) which was fully proved by the guns, iron pots, cloth, tar, and other articles found in their possession.

"Most of the mountains of Western Caledonia are clothed with timber trees to their very summits, consisting principally of spruce and other kinds of fir, birch, poplar, aspen, cypress, and, generally speaking, all those which are found on the opposite side of the Rocky Mountains. The large animals common to North America, such as buffalo, elk, moose, reindeer, bears, &c., are not numerous in this new territory; but there is no scarcity of the beaver, otter, wolverine, marten, foxes of different kinds, and the rest of the fur animals, any more than of wolves, badgers, and polecats; fowls, also, of all the descriptions found in North America, are plentiful in Western Caledonia; cranes visit them in prodigious numbers, as do swans, bustards, geese, and ducks."

This is the account given by Mr. Harmon of New Caledonia, and given of it by him at the exact moment that we were purchasing the Spanish title to it! Of this Spanish title, of which the Spaniards never heard, the narrator seems to have been as profoundly ignorant as the Spaniards were themselves; and made his description of New Caledonia as of a British possession, without any more reference to an adverse title than if he had been speaking of Canada. So much for the written description: now let us look at the map, and see how it stands there. Here is a map—a 54° 40' map—which will show us the features of the country, and the names of the settlements upon it. Here is Frazer's River, running from 55° to 49°, and here is a line of British posts upon it, from Fort McLeod, at its head, to Fort Langley, at its mouth, and from Thompson's Fork, on one side, to Stuart's Fork on the other. And here are clusters of British names, imposed by the British, visible everywhere—

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Forts George, St. James, Simpson, Thompson, Frazer, McLeod, Langley, and others: rivers and lakes with the same names, and others: and here is Deserter's Creek, so named by Mackenzie, because his guide deserted him there in July, 1798; and here is an Indian village which he named Friendly, because the people were the most friendly to strangers that he had ever seen; and here another called Rascal's village, so named by Mackenzie fifty-three years ago, because its inhabitants were the most rascally Indians he had ever seen; and here is the representation of that famous boundary line 54° 40', which is supposed to be the exact boundary of American territorial rights in that quarter, and which happens to include the whole of New Caledonia, except McLeod's fort, and the half of Stuart's Lake, and a spring, which is left to the British, while we take the branch which flows from it. This line takes all in—river, lakes, forts, villages. See how it goes! Starting at the sea, it gives us, by a quarter of an inch on the map, Fort Simpson, so named after the British governor Simpson, and founded by the Hudson Bay Company. Upon what principle we take this British fort I know not—except it be on the assumption that our sacred right and title being adjusted to a minute, by the aid of these 40 minutes, so apportioned by the Emperor Paul's charter to a fur company in 1799, to be on this straight line, the bad example of even a slight deviation from it at the start should not be allowed even to spare a British fort away up at Point McIntyre, in Chatham Sound. On this principle we can understand the inclusion, by a quarter of an inch on the map, of this remote and isolated British post. The cutting in two of Stuart's Lake, which the lines does as it runs, is quite intelligible: it must be on the principle stated in one of the fifty-four-forty papers, that Great Britain should not have one drop of our water; therefore we divide the lake, each taking their own share of its drops. The fate of the two forts, McLeod and St. James, so near to each other and so far off from us, united all their lives, and now so unexpectedly divided from each other by this line, is less comprehensible; and I cannot account for the difference of their fates, unless it is upon the law of the day of judgment, when, of two men in the field, one shall be taken and the other left, and no man be able to tell the reason why. All the rest of the inclusions of British establishments which the line makes, from head to mouth of Frazer's River, are intelligible enough: they turn upon the principle of all or none!—upon the principle that every acre and every inch, every grain of sand, drop of water, and blade of grass in all Oregon, up to fifty-four forty, is ours! and have it we will.

This is the country which geography and history five-and-twenty years ago called New Caledonia, and treated as a British possession; and it is the country which an *organized* party among ourselves of the present day call "*the*

*whole of Oregon or none*," and every inch of which they say belongs to us. Well, let us proceed a little further with the documents of 1828, and see what the men of that day—President Monroe and his Cabinet—the men who had made the treaty with Spain by which we became the masters of this large domain: let us proceed a little further, and see what they thought of our title up to fifty-four forty. I read from the same document of 1828:

*Mr. Adams to Mr. Middleton, July 22, 1828.*

"The right of the United States, from the forty-second to forty-ninth parallel of latitude on the Pacific Ocean we consider as unquestionable, being founded, first, on the acquisition of the treaty of 22d February, 1819, of all the rights of Spain; second, by the discovery of the Columbia River, first from the sea at its mouth, and then by land by Lewis and Clarke; and, third, by the settlement at its mouth in 1811. This territory is to the United States of an importance which no possession in North America can be of to any European nation, not only as it is but the continuity of their possessions from the Atlantic to the Pacific Oceans, but as it offers their inhabitants the means of establishing hereafter water communications from the one to the other."

*Forty-nine, Mr. President, forty-nine! To that line, and that four years after the acquisition of the Spanish claim, was our unquestionable right held to extend; fifty-one was the highest debatable line named, and that named on a principle known to be erroneous, and ready to be given up.*

Again:

*Mr. Adams to Mr. Rush. Same date.*

"By the treaty of amity, settlement, and limits between the United States and Spain, of 22d Feb. 1819, the boundary line between them was fixed at the forty-second degree of latitude, from the source of the Arkansas River to the South Sea. By which treaty the United States acquired all the rights of Spain north of that parallel.

"The right of the United States to the Columbia River, and to the interior territory washed by its waters, rests upon its discovery from the sea and nomination by a citizen of the United States; upon its exploration to the sea, made by Captains Lewis and Clarke; upon the settlement of Astoria, made under the protection of the United States, and thus restored to them in 1818; and upon this subsequent acquisition of all the rights of Spain, the only European power who, prior to the discovery of the river, had any pretensions to territorial rights on the north-west coast of America.

"The waters of the Columbia River extend, by the Multnomah, to the 42d degree of latitude, where its source approaches within a few miles of those of the Platte and Arkansas; and by Clarke's River to the 50th or 51st degree of latitude; thence descending, southward, till its sources almost intersect those of the Missouri.

"To the territory thus watered, and immediately contiguous to the original possessions of the United States, as first bounded on the Mississippi, they consider their right to be now established by all the principles which have ever been applied to

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European settlements upon the American hemisphere."

This is an extract of great value, and is an amplification and development of the principle laid down in the extract just read. It recites the Spanish treaty of 1819, and claims nothing under it beyond the Columbia and its valley. To this our title is alleged to be complete on American grounds independent of the treaty, namely, discovery, settlement, and colonization by Mr. Astor, under the protection of the United States:

Again:

*Mr. Adams to Mr. Rush. Same despatch.*

"If the British North-west and Hudson Bay Companies have any posts on the coast, as suggested in the article in the Quarterly Review above cited, the third article of the convention of the 20th of October, 1818, is applicable to them. Mr. Middleton is authorized to propose an article of similar import, to be inserted in a joint convention between the United States, Great Britain, and Russia, for a term of ten years from its signature. You are authorized to make the same proposal to the British Government; and, with a view to draw a definite line of demarcation for the future, to stipulate that no settlement shall hereafter be made on the north-west coast, or on any of the islands thereto adjoining by Russian subjects, south of latitude 55, by citizens of the United States north of latitude 51; or by British subjects either south of 51 or north of 55.

"I mention the latitude of 51, as the bound within which we are willing to limit the future settlement of the United States, because it is not to be doubted that the Columbia River branches as far north as 51, although it is most probably not the Taconeshee Tasse of Mackenzie. As, however, the line already runs in latitude 49 to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it into continuance, on the same parallel, to the sea. Copies of this instruction will likewise be forwarded to Mr. Middleton, with whom you will freely but cautiously correspond on this subject, as well as in regard to your negotiation respecting the suppression of the slave trade."

Four things must strike the attention in this extract: 1. The offer of a partnership to the Emperor Alexander, which he wisely refused. 2. The offer of the same to Great Britain, which she sagaciously accepted. 3. The offer of 55° to Great Britain as her permanent northern boundary. 4. The offer of 51° to her as a permanent southern boundary, and its offer on a principle not valid, with the alternative to fall back upon the line of 49°. The British who know all this, and a great deal more, must be astonished at our fifty-four forty war fever of to-day!

Again:

*Mr. Rush to Mr. Adams.*

"London, December 22, 1823.

"In an interview I had with Mr. Canning last week, I made known to him, as preparatory to the negotiation, the views of our Government rela-

tive to the north-west coast of America. These, as you know, are:

"First. That, as regards the country westward of the Rocky Mountains, the three powers, viz.: Great Britain, the United States, and Russia, should jointly agree to a convention, to be in force ten years, similar in its nature to the third article of the convention of October, 1818, now subsisting between the two former powers; and secondly, that the United States would stipulate not to make any settlements on that coast north of the fifty-first degree of latitude, provided Great Britain would stipulate not to make any south of 51° or north of 55°; and Russia not to make any south of 55°.

Again:

"Mr. Canning expressed no opinion on the above propositions further than to hint, under his first impressions, strong objections to the one which goes to limit Great Britain northwards to 55°. His object in wishing to learn from me our propositions at this point of time, was, as I understood, that he might better write to Sir Charles Bagot on the whole subject to which they relate."

Again:

*Same to Same, December 19, 1823.*

"And secondly, that the United States were willing to stipulate to make no settlements north of the 51st degree of north latitude on that coast, provided Great Britain stipulated to make none south of 51° or north of 55°; and Russia to make none south of 55°."

Again:

*Same to Same, same date.*

"That they (the United States) were willing, however, waiving for the present the full advantage of these claims, to forbear, all settlements north of 51; as that limit might be sufficient to give them the benefit of all the waters of the Columbia River; but that they would expect Great Britain to abstain from coming south of that limit or going above 55; the latter parallel being taken as that beyond which it was not imagined that she had any actual settlements."

On Friday, Mr. President, I read one passage from the documents of 1823, to let you see that fifty-four forty (for that is the true reading of fifty-five) had been offered to Great Britain for her northern boundary: to-day I read you *six passages* from the same documents, to show the same thing. And let me remark once more—the remark will bear eternal repetition—these offers were made by the men who had acquired the Spanish title to Oregon! and who must be presumed to know as much about it as those whose acquaintance with Oregon extends from the epoch of the Baltimore Convention—whose love of it dates from the era of its promulgation as a party watchword—whose knowledge of it extends to the luminous pages of Mr. Greenhow's book!

Six times Mr. Monroe and his Cabinet renounced Frazer's River and its valley, and left it to the British! They did so on the intelligible principle that the British had discovered it,

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and settled it, and were in actual possession of it when we got the Spanish claim; which claim Spain never made! Upon this principle, New Caledonia was left to the British in 1828. Upon what *principle* is it claimed now?

This is what Mr. Monroe and his Cabinet thought of our title to the whole of Oregon or none, in the year 1823. They took neither branch of this proposition. They did not go for all or none, but for some! They took some, and left some; and they divided by a line right in itself, and convenient in itself, and mutually suitable to each party. This President and his Cabinet carry their "unquestionable right" to Oregon as far as 49, and no further. This is exactly what was done six years before. Mr. Gallatin and Mr. Rush offered the same line, as being a continuation of the line of Utrecht, (describing it by that name in their despatch of October 20th, 1818,) and as covering the valley of the Columbia River, to which they alleged our title to be indisputable. Mr. Jefferson had offered the same line in 1807. All these offers leave Frazer's River and its valley to the British, because they discovered and settled it. All these offers hold on to the Columbia River and its valley, because we discovered and settled it; and all these offers let the principle of contiguity or continuity work equally on the British as on the American side of the line of Utrecht.

This is what the statesmen did who made the acquisition of the Spanish claim to Oregon in 1819. In four years afterwards they had freely offered all north of 49 to Great Britain; and no one ever thought of arraigning them for it. Most of these statesmen have gone through fiery trials since, and been fiercely assailed on all the deeds of their lives; but I never heard of one of them being called to account, much less lose an election, for the part he acted in offering 49 to Great Britain in 1823, or at any other time. For my part, I thought they were right then, and I think so now; I was Senator then, as I am now. I thought with them that New Caledonia belonged to the British; and thinking so still, and acting upon the first half of the great maxim—Ask nothing but what is right—I shall not ask them for it, much less fight them for it now.

I come now to the third geographical division of the contested country, purposely reserved for the last, because it furnishes the subject for the application of the second half of the great maxim: Submit to nothing that is wrong. I come to the river Columbia, and its vast and magnificent valley. I once made a description of it, with an anathema against its alienation. I described it by metes and bounds—by marks and features—and then wrote its name in its face. The fifty-four fortys got hold of my description—rubbed out the name—obliterated the features—expanded the boundaries took in New Caledonia, and all the rivers, lakes, bays, sounds, islands, valleys, forts, and settlements, all the way up to 54 40! and then turned my

own anathema against myself, because *their* minds could not apply words to things. Well! I take no offence at this. There are some people too simple to get angry with. All we do with them in the West is, to have them "cut for the simples;" after which they are cured. They can perform this operation for themselves, or have it done. If by themselves, all they have to do is rub their eyes, and read again: if by others, the operator must read, and caution the listening patient to stick the word to the thing.

The valley of the Columbia is ours: ours by discovery, by settlement, and by the treaty of Utrecht! and has too often been so admitted by Great Britain to admit of her disputing it now. I do not plead our title to that great country. I did that twenty years ago, when there were few to repeat or applaud what I said. I pass over the ground which I trod so long ago, and which has been again so much trodden of late, and take up the question at a fresh place—the admissions of Great Britain! and show that she is concluded by her own acts and words from ever setting up any claim to the river and valley of the Columbia, or to any part of the territory south of the 49th degree.

I begin with Mr. Astor's settlement on the Columbia, and rest upon it as a corner-stone in this new edifice of argument against Great Britain. What was that settlement? Not a mere trading post, for temporary traffic, down in a corner, and without the knowledge of nations or the sanction of his own Government. On the contrary, it was the foundation of a colony, and the occupation of the whole valley of the Columbia, and the establishment of a commercial emporium, of which the mouth of the river was the seat, and the Rocky Mountains on one hand and Eastern Asia on the other were the outposts. Great Britain saw it without objection—the United States with approbation; and every circumstance which proclaimed and legitimated a national undertaking signalized and commemorated its commencement, existence, and overthrow.

It was in the year 1810—four years after the return of Lewis and Clarke's expedition—that Mr. Astor, with the enlarged and comprehensive views of a "*merchant prince*," projected from the western shore of the Atlantic this great establishment on the eastern coast of the Pacific Ocean. A ship commanded by an officer of the United States navy, freighted with every thing necessary for the foundation of a colony, sailed from New York to double Cape Horn: an overland expedition of ninety men, led by a gentleman of New Jersey, proceeded from St. Louis to cross the Rocky Mountains. In the spring of 1811 the two expeditions met at the mouth of the Columbia, and immediately proceeded to fulfil the intentions of the bold projector of the enterprise. Astoria was founded: its dependant post, the Okenakan, was established six hundred miles up the river: the Spokan, another dependant, was established

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two hundred miles higher up, and at the base of the mountains: a third, the Wahlamath, was established upon the river of that name, two hundred and fifty miles south-east of Astoria. Parties of traders and hunters covered all the waters of the Columbia River from head to mouth; fleets of batteaux, carrying up merchandise and bringing down furs, had their regular arrival and departure from Astoria. Two more ships arrived from New York. Canton, the Sandwich Islands, New Archangel, the coast of California, were visited by Mr. Astor's ships. The Pacific Fur Company was in full tide of success. Astoria became the centre of an extended trade: her name became known to the world. This was notice to the world that an American colony was being founded on the Columbia, and no power in the wide world objected to it. It was before the Spanish treaty of 1819, and Spain did not object. It was after all the pretended claims of Great Britain, as now set up, and she did not object. Special notice had previously been given to the Minister of Great Britain, and he had nothing to say against it. Special notice had already been given to the North-west Company, and they invited to join in the enterprise as traders, which they refused to do, because it was an American enterprise. Far from objecting to the settlement, they sent a special agent across the continent to stipulate with Mr. Astor's agents that they should confine themselves to the valley of the Columbia, which arrangement was made. Special notice was given to our own Government, its sanction obtained, and its protection solicited; and if protection, in the full sense of the word, was not promised, it was because it was felt to be impossible to send troops and ships there, in the event of the war, to prevent its falling into the hands of the British; but that it was to be protected, in the general sense of the word, was promised, as was proved at Ghent when peace came to be made.

Two years passed off in this way; Great Britain made no objection; her agent, the North-west Company, agreed to our occupation of the whole valley; and acquiescence, under these circumstances, becomes an admission of American title which forever closes the mouth of Great Britain.

In this manner the Columbia was settled by Mr. Astor; in this manner it was held by him for two years. Now for the manner in which it fell into the hands of Great Britain. Two years had elapsed from the time of the foundation of Astoria, when intelligence arrived at that place with the news of war between the United States and Great Britain, and information of a departure of a ship of war from London to join the squadron under Commodore Hillyar, in the Pacific Ocean, and proceed to capture Astoria as an important American colony. At the same time several partners of the North-west Company arrived at Astoria, confirmed the information of the British de-

signs on the post, and offered to purchase all the stock on hand, goods and furs, of Mr. Astor, as the only means of preventing them from becoming a prize to a British squadron. The agents of Mr. Astor sold under this duress, receiving the fourth or fifth part of what the property was worth. Soon after a ship of war from Commodore Hillyar's squadron arrived, took possession of the post without opposition, but with all the formalities of a British conquest, and with great chagrin to the officers at the loss of their expected booty. This is the manner in which the British got possession of Astoria, and with it the whole valley of the Columbia. As a British conquest they took it; as such they agreed to restore it under the treaty of Ghent. And thus, at the settlement of Astoria, and the occupation of the whole valley of the Columbia, the British Government, by its silent acquiescence, admitted our *unquestionable* right to it. By seizing it as a British conquest, they admitted our right again. By agreeing to restore it under the treaty of Ghent, they admitted it a third time—three times in five years; and this ought to be enough, in all conscience, to preclude present claims founded on previous stale and vague pretensions.

Now for the proof of all that I have said.

I happen to have in my possession the book, of all others, which gives the fullest and most authentic details on all the points I have mentioned, and written at a time and under circumstances when the author (himself a British subject, and familiar on the Columbia) had no more idea that the British would lay claim to that river than Mr. Harmon, the American writer whom I quoted, ever thought of our claiming New Caledonia. It is the work of Mr. Franchère, a gentleman of Montreal, with whom I have the pleasure to be personally acquainted, and one of those employed by Mr. Astor in founding his colony. He was at the founding of Astoria; at the sale to the North-west Company; saw the place seized as a British conquest; and remained three years afterwards in the country, in the service of the North-west Company. He wrote in French: his work has not been done into English, though it well deserves it, and I read from the French text. He first gives a brief and true account of the discovery of the Columbia. He says:

"In 1792, Captain Gray, commanding the ship Columbia, of Boston, discovered the entrance of a large bay in 46 degrees 19 minutes of north latitude. He entered it; and finding, by the fresh water which he found at a little distance from its mouth, that it was a large river, he ascended it eighteen miles, and cast anchor upon the left bank, at the entrance of a deep bay. He there drew up a chart of what he had discovered of this river and of the neighboring country; and after having trafficked with the natives, (the object for which he came upon these coasts,) he regained the sea; and soon after met Captain Vancouver, who was sailing under the orders of the British Government in search of discoveries. Captain Gray made known to him

the discovery which he had made, and even communicated the chart of it which he had drawn up. Vancouver sent his first lieutenant, Broughton, who ascended the river 118 miles; took possession of it in the name of his Britannic Majesty; gave it the name of Columbia, and to the bay where Captain Gray had stopped the name of Gray's Bay. Since his period the country has been much frequented, especially by Americans."

This brief and plain account of the discovery of the Columbia is valuable for showing—*first*, that we discovered the river; *secondly*, that we showed it to British navigators; and *thirdly*, that one of those to whom we showed it immediately claimed it as British property. We shall soon see that the British Government, or its agents in these arts, the North-west Company gave no attention to this claim of Mr. Broughton, so little creditable to his candor and justice. Vancouver, like a man of honor, never claimed Captain Gray's discovery, but assigned to him the entire credit of it, with thanks for his communication of it to himself.

The design of Mr. Astor's establishment is thus spoken of:

"Mr. John Jacob Astor, merchant of New York, who carried on alone the trade in furs to the south of the great Lakes Huron and Superior, and who had acquired by this commerce a prodigious fortune, believed he could yet augment this fortune by forming, on the banks of the Columbia, an establishment, of which the entrepôt should be at its mouth. He communicated his views to the agents of the North-west Company; he wished even to make this establishment in concert with them; but, after some negotiations, the wintering partners (*les propriétaires hivernants*) having rejected his propositions, Mr. Astor determined to make the attempt alone. It was essential to his success that he should have persons long accustomed to trade with the Indians, and he did not delay to find them. Mr. Alexander McKay, (the same who had accompanied Sir Alexander Mackenzie in his voyages,) a man bold and enterprising, joined him; and, soon after, Messrs. Duncan McDougall, Donald Mackenzie, (heretofore in the service of the North-west Company,) David Stuart, and Robert Stuart, all of Canada, did the same. Finally, in the winter of 1810, Mr. Wilson Price Hunt, of St. Louis, on the Mississippi, having also joined them, they determined that the expedition should take place the following spring."

This shows a direct communication of Mr. Astor's design to the North-west Company, and of their refusal to act in concert with him, because of the American character of the enterprise; also the reason why he employed many Canadians in his service: it was for the sake of having experienced traders to assist in conducting his business. It shows also that, among other Canadian gentlemen, he had employed Mr. Alexander McKay, the faithful companion of Sir Alexander Mackenzie in his expedition to the Pacific Ocean in 1793. This gentleman knew where Mackenzie's discoveries were, and whether Mr. Astor was about to trespass upon them. This, then, was the time to

speak: on the contrary, the companion of Mackenzie goes on to assist in laying the foundation of the American colony on the Columbia!

Mr. Franchère proceeds:

"It is well to state that, during our sojourn in New York, and before leaving that city, Mr. McKay believed it would be prudent to see Mr. Jackson, the Minister Plenipotentiary of his Britannic Majesty, in order to inform him of the object for which he was about to embark, and to ask his advice as to what he should do in case of a rupture between the two powers, intimating to him that we were all British subjects and that we were going to trade under the American flag. After some moments' reflection, Mr. Jackson said to him, 'that we were going to form a mercantile establishment at the risk of our lives; that all he could promise us was, that, in case of a war between the two powers, we should be respected as British subjects and traders.' This answer appeared satisfactory, and Mr. McKay believed he had nothing more to fear from that quarter."

This was in the year 1810—seventeen years after the discoveries of Mackenzie, and eight years after Mr. Broughton took possession of the Columbia in the name of his Britannic Majesty; and at this time, the Minister of Great Britain, on a special communication made to him of Mr. Astor's design to occupy the Columbia, has not a word to say against it. Up to that time, it had not occurred to the British Government that the Columbia River was theirs!

The ship *Tonquin*, carrying the maritime part of the expedition, arrived at the mouth of the Columbia March 25th, 1811. The approach to the coast revealed nothing but lofty ranges of mountains, white with snow, through a gap of which the great river of the West entered the sea. The weather was bad—the night dark—two boats had been swamped—no pilots, lights, or buoys—yet the captain (a rash man, who afterwards blew up his ship at Nootka) entered safely, and anchored at midnight in a commodious harbor. On the 12th of April, after examining both sides of the bay for the best situation, a site was chosen on the south side, about four or five leagues from the sea, and the foundation of Astoria began—a name in itself the badge of American title. On the 15th of July, the young Astoria received an important visit, which is thus described:

"All was ready at the day appointed, (for an expedition to the interior,) and we were preparing to load the canoes, when, towards mid-day, we saw a large canoe, carrying a flag, which was rounding the point called by us *Tongus Point*. We were ignorant who they might be, for we did not look so soon for our people, who (as the reader may remember) were to cross the continent by the route which Captains Lewis and Clarke had followed in 1805, and winter for this purpose on the banks of the Missouri. Our uncertainty was soon banished by the nearing of the canoe, which landed near a little quay which we had built to facilitate the unloading of our vessels. The flag which this canoe

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carried was the British flag; and her crew amounted to only nine persons in all. A man, quite well dressed, and who appeared to command, leaped first to the shore, and accosting us without ceremony, told us that he was named David Thompson, and was one of the proprietors of the North-west Company. We invited him to ascend to our lodging, which was in one end of the shed, our house not yet being finished. After the usual hospitalities, Mr. Thompson told us that he had crossed the continent during the preceding winter; but that the desertion of a part of his men had obliged him to winter at the foot of the mountains near the head of the Columbia River; that in the spring he had built a canoe and had come to our establishment. He added that the proprietors wintering in them had resolved to abandon all the posts which they had west of the mountains, rather than enter into competition with us, on condition that we would promise not to trouble them in the trade on the eastern side; and to sustain what he said he produced a letter to Mr. William McGillivray to the same effect.

"Mr. Thompson kept, as it seemed to me, a regular journal, and travelled rather as a geographer than a trader in furs: he had a good quadrant; and during a sojourn of eight days, which he made at our establishment, he had occasion to make several astronomical observations."

This was a visit of great moment in the history of Astoria, and in the consideration of the British claim to the Columbia, which has lately been brought forward. Mr. Thompson was one of the North-west Company, its astronomer, a gentleman of science and character, to whom we are greatly indebted for fixing important geographical positions in the interior of North America. He had crossed the continent from Montreal simultaneously with Mr. Astor's land expedition from St. Louis, but in a higher latitude, and arrived a few days before it. He came to the Columbia to give the information to Mr. Astor's agents that the North-west Company, to avoid competition with them, would abandon all their establishments west of the mountains, provided Mr. Astor would not interfere with them on the east. This proposal was agreed to. The valley of the Columbia was left to the free enjoyment of the Americans, and the extension of posts to the mountains went on without question according to the original intention. The North-west Company, at that time, no more than the British Government, had happened yet to take it into its head that the Columbia River, or any part of it, was British property.

Mr. Astor's agents proceeded to the establishment of interior posts, and the despatch of parties to hunt and trade up the Columbia to the mountains. The Okanakan, about six hundred miles up, on the north side of the river, and at the mouth of the river of that name, was the most considerable, and was remarkable for being the nearest to the British establishments in New Caledonia; for by that name the valley and district of Frazer's River was then known; and that was ten years before Mr. Harmon published his book. The Spokane, two hun-

dred miles higher up, and on the south side, was established at the same time. The post on the Wahlamath two hundred and fifty miles south-east from Astoria, was established the next year; and of all these establishments Mr. Franchère gives a particular account, which it is not necessary to read here. The country was, at the same time, completely penetrated by parties of traders and hunters, up to the head-waters of Clarke's River, and of Lewis's River, and into the Rocky Mountains. Two years every thing had gone on without interruption, when two events occurred, in communicating which I will use Mr. Franchère's own words:

"The 15th of January, 1813, Mr. Mackenzie arrived from his establishment, which he had abandoned after having *cached* a part of his effects. He came to announce to us that war had been declared between Great Britain and the United States. This news had been brought to his post by some gentlemen belonging to the North-west Company, who had given him a letter containing the President's proclamation to that effect.

"On learning this news we strongly desired, that is, all of us at Astoria who were English and Canadians, to see ourselves in Canada; but we could not even permit ourselves to think of it, at least at present—we were separated from our country by an immense space, and the difficulties of travel were insurmountable at this season. We held then a sort of council of war, and, after having thoroughly weighed the crisis in which we found ourselves, after having considered seriously that although we were almost all British subjects, we nevertheless traded under the American flag, and that we could not expect assistance, all the ports of the United States being probably blockaded, we decided to abandon the establishment by the following spring, or in the beginning of summer at furthest. We did not tell our *engagés* of this resolve, for fear that they might abandon their work at once, but we stopped trading with the natives from that moment, as much because we were not provided with a large supply of merchandise, as that we had more furs than we could carry away."

Here is an important fact stated—that of hearing of the war and despairing of protection from the United States. The agents of Mr. Astor, upon full consultation, determined to abandon the country.

Mr. Franchère continues:

"Some days after Mr. Mackenzie's departure, we perceived, to our great surprise, at the extremity of Tongue Point, two canoes carrying the British flag, and between them another bearing that of America. It was Mr. Mackenzie himself, who was returning with Messrs. J. G. McTavish and Angus Bethune, of the North-west Company. He had met these gentlemen near the rapids, and had determined to return with them to the establishment, in consequence of the news which they had given him. They were on light canoes, having left behind them Messrs. John Stuart and McMillan, with a brigade of eight canoes loaded with furs.

"Mr. McTavish came up to our lodging, and showed us a letter which had been written to him by Mr. A. Shaw, one of the agents of the North-

west Company. This gentleman announced to him in the letter that the ship Isaac Todd had sailed from London in March, in company with the frigate Phoebe, and that they were coming by order of the Government to take possession of our establishment—this establishment being represented to the Lords of the Admiralty as an important colony founded by the American Government.

"The eight canoes which had been left behind having joined the first, a camp of nearly seventy-five men was formed at the little bay near our establishment. As they were without provisions, we furnished them with what they needed; nevertheless we kept on our guard, for fear of some surprise from them, for we were much inferior to them in number.

"The season advancing, and their vessels not arriving, caused them to find their situation very disagreeable; without provision, and without merchandise to procure any from the natives, who looked on them with an evil eye, having good hunters but wanting ammunition. Tired of recurring incessantly to us for provisions, they proposed that we should sell them our establishment and its contents. Placed in the situation in which we were, in the daily expectation of seeing an English man-of-war appear to take away what we possessed, we listened to their propositions. We had several consultations; the negotiations grew wearily long; at length they agreed on the price of the furs and merchandise, and the treaty was signed by both parties on the 23d of October. The gentlemen of the North-western Company took possession of Astoria, having agreed to pay to each of the servants of the *ci-devant* Pacific Fur Company (a name chosen by Mr. Astor) the amount of their wages in full, deducted from the price of the goods we delivered to them, to feed them, and to furnish a passage gratis to those among them who wished to return to Canada.

"It was thus, that after having crossed seas and endured all sorts of fatigues and privations, I lost, in an instant, all my hopes of fortune. I could not prevent myself from remarking, that we should not look for such treatment from the British Government, after the assurances we had received from his Majesty's Minister before we left New York. But as I have just said, the value of our trading-post had been much exaggerated to the Ministers; for if they had known it, they surely would not have taken offence at it, at least would not have judged it worthy of a maritime expedition."

This is the manner in which the effects of Mr. Astor passed into the hands of the North-west Company; this the manner in which they became installed in the valley of the Columbia. It was a purchase of goods and furs, and of the buildings which contained them, and nothing more. No one was childish enough to suppose that the sovereignty of the country was or could have been transferred as an appurtenance to the skins and blankets. We will now see how the British Government obtained possession of the country:

"The 15th of November, 1813, Messrs. Alexander Stuart and Alexander Henry, both proprietors in the North-west Company, arrived at the establishment in two bark canoes, manned by sixteen voyageurs. These gentlemen had left Fort William,

on Lake Superior, in July. They lent us some Canadian newspapers, by which we learned that the British arms had up to that time kept the ascendancy. They also confirmed the news that an English frigate was to come and take our *ci-devant* establishment: they were even very much surprised not to see the Isaac Todd in the harbor.

"On the morning of the 30th, we perceived a vessel which was doubling Cape Disappointment, and which soon anchored in Baker's Bay. Not knowing if it were a friendly vessel or otherwise, we thought it prudent to send to it, in a canoe, Mr. McDougall, with those of the men who had been in the service of the *ci-devant* P. F. C., with the injunction to call themselves Americans if the ship was American, and English if it was the contrary. Whilst they were on their way, Mr. McTavish had all the furs which were marked with the name of the North-west Company packed upon two barges which were at the fort, and remounted the river to Tongue Point, where he was to wait for a signal which we had agreed upon. Towards midnight Mr. Halsey, who had accompanied Mr. McDougall to the vessel, returned to the fort, and announced to us that it was the British sloop *Raccoon*, of 28 guns, and 120 men in her crew, Captain Black commanding. Mr. John McDonald, proprietor in the North-west Company, had come as passenger in the *Raccoon*, accompanied by five *engagés*. This gentleman had left England in the frigate *Phoebe*, which had sailed with the Isaac Todd as far as Rio Janeiro. Having rejoined there an English squadron, the Admiral had given them for convoy the sloops *Raccoon* and *Cherub*. The four vessels had sailed in company to Cape Horn, where they had separated after having agreed to meet at the island of Juan Fernandez. The three vessels of war did go there; but, after having waited a long time in vain for the Isaac Todd, Commodore Hillyar, who commanded this little squadron, having learned that the American Commodore Porter was doing great damage to the English commerce, especially among the whalers which frequented these seas, he resolved to go and find him and give battle; giving to Captain Black orders to go and destroy the American establishment of the Columbia River. Consequently, Mr. McDonald and his men had embarked on the *Raccoon*. This gentleman told us that they had endured the most terrible weather in doubling Cape Horn. He thought that if the Isaac Todd had not slackened at some spot it would arrive in the river within a fortnight. At the agreed signal, Mr. McTavish returned to Astoria with his furs, and learned with much pleasure the arrival of Mr. McDonald.

"The first of December, the barge of the corvette came to the fort Astoria with McDonald, and the first lieutenant, named Sheriff. As there were on the *Raccoon* goods for the North-west Company, a boat was sent to Baker's Bay, to bring them to the fort; but the weather was so bad and the wind so violent, that she did not return till the 12th with the goods, bringing also with Captain Black five marines and four sailors.

"We regaled our hosts with as much splendor as was possible. After dinner the captain had firearms given to the company's servants; and we repaired, thus armed, to a platform by which had been erected a flag-staff. There the captain took a British flag, which he had brought for the purpose, and had it hoisted to the top of the staff; and then



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taking a bottle full of Madeira, he broke it on the staff, declaring in a loud voice that he took possession of the establishment and the country in the name of his British Majesty; and he changed the name of Astoria to that of Fort George. The Indian chiefs had been assembled to witness this ceremony, and I explained to them in their own language what it meant. They fired three discharges of artillery and musket-shot, and the health of the king was drank according to the received customs in such cases.

"The vessel finding itself detained by contrary winds, the captain had an exact survey made of the mouth of the river and the channel between Baker's Bay and Fort George. The officers came frequently to see us, and appeared to me generally to be very much discontented with their voyage; they had expected to meet several American vessels loaded with rich furs, and had calculated beforehand their share in the taking of Astoria. They had met nothing, and their astonishment was at its height when they saw our establishment had been transferred to the North-west Company, and was under the British flag. It will be sufficient to quote Captain Black's expression to show how much they were mistaken with regard to us. This captain landed in the night; when we showed him the palisades of the establishment in the morning, he asked if there was not another fort; and having learnt there was not, he cried out, with an air of the greatest astonishment, 'What! is this the fort represented to me as formidable? Good God, I could batter it down with a four pounder in two hours.'

"The greater part of the Pacific Fur Company's servants engaged themselves to the North-west Company. Some others preferred returning to their country, and I was among the latter. Nevertheless, Mr. McTavish having intimated to me that my services would be needed at the establishment, I engaged myself for the space of five months, that is to say, until the setting out of the party which was to ascend the river in the spring, to go to Canada, by way of the Rocky Mountains and the rivers of the interior. Messrs. John Stuart and Mackenzie left at the end of the month, the last to deliver over to the first *trading posts* which had been established in the interior by the before-mentioned company."

This is the way the British got possession of the Columbia—as a conquest—accompanied by all the circumstances of a national act. The Lords of the Admiralty in London, charged with the naval operations of the war, plan the expedition, and plan it against the colony of Mr. Astor, and against it as an important American colony. They despatch a ship-of-war from London to join a squadron in the Pacific to attack the colony. A ship from the squadron arrives; finds the goods and furs sold; is enraged at the loss of the booty, but finds the American sovereignty of the country remaining in the form of a little fort; takes possession of it as a British conquest; runs up the British flag; christens it in a bottle of rum; and agents are sent off to the Okenakan, the Spokan, and Wahlomath, to deliver up the dependant posts, and with them the whole valley of the Columbia: as a conquest the British took

it; as a conquest they held it; as a conquest they agree to restore it under the Ghent treaty. And here I will answer a question which has been put to me: Does the right of restoration extend to the whole valley of the Columbia River, or only to the post at the mouth of the river? I answer, the whole valley, and to parley about any thing less is to suffer ourselves to be bamboozled and disgraced.

I here cease my readings from Mr. Franchère, satisfied that, upon this testimony, I have made out the fullest and most authentic case of unqualified British admissions, *by acts*, of our title to the Columbia. To these admissions *by acts* I will now add admission *by words*. For it so happens that at the time of the negotiations of 1823, at the time we were offering fifty-five to the British for a northern boundary, and fifty-one for a southern, the parallel of forty-nine was the most southern one to which her claims extended. This was understood and agreed upon by both parties in 1818, 1820, and 1823; and here is the evidence of it in documents of unimpeachable authority. I read first from Mr. Adams to Mr. Rush, July 22d, 1823:

"Previous to the restoration of the settlement at the mouth of the Columbia River in 1818, and again upon the first introduction in Congress of the plan for constituting a territorial government there, some disposition was manifested by Sir Charles Bagot and Mr. Canning (Minister at Washington) to dispute the *right* of the United States to that establishment, and some vague intimation was given of British claims on the north-west coast. The restoration of the place, and the convention of 1818, were considered as a final disposal of Mr. Bagot's objections; and Mr. Canning declined committing to paper those which he had intimated in conversation."

Two dates and a great fact are here mentioned, with both of which I was contemporary, and, my writings of the time will prove, not an inattentive observer. The nominal restoration of the Columbia, which was in fact an empty ceremony, and the non-execution of the Ghent treaty, in favor of the west, as it had happened before in the non-execution of treaties, which required British western posts to be given up. That is one date. The introduction of Dr. Floyd's Oregon bill in the House of Representatives, in 1820-'21, is another of those dates, and of which I know something. The great fact is, and my speech of 1824 will show that I knew something of that, is the vague intimation of British claims to the Columbia at that time, the refusal of the Minister to write them down, and their utter and entire abandonment!

This was done expressly by Mr. Canning, the Prime Minister of Great Britain, to Mr. Rush, in London, in 1823, of which Mr. Rush's despatch of the 19th January, 1824, bears witness. Here it is:

"It was an omission in me not to have stated in my communication of the 6th instant what are to be the claims of Great Britain on the north-west

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coast of America, though as yet Mr. Canning has not made them known to me formally. She will claim, I understand, to a point northwards above 55, though how much above it I am not now able to say, and southwards as low down as 49. Whether she designs to push a claim to the whole of this space with earnestness, I am also unable as yet to say, but wait the more full and accurate disclosure of her views."

*Thus, on the 19th day of January, in the year 1824, the parallel of forty-nine was the furthest south to which the British Minister, Mr. Canning—a Minister of head, and of forty years' experience in public affairs—proposed to push the British claim.*

After this authentic and express admission of Mr. Canning, the Prime Minister of Great Britain in 1824, it is hardly excusable to have recourse to secondary or inferior testimony, however persuasive or convincing that testimony may be. But I have still a piece of British testimony in hand sufficiently respectable to be quoted after Mr. Canning, and sufficiently coincident in time and terms to identify the Minister's answer with public opinion at the time, that the extent of the British claims stated to Mr. Rush in January, 1824, was the opinion of the public as well as of the Minister. It is found in the London Quarterly Review, October number, 1823. It is in discussing the boundaries of New Caledonia, for which he proposes on the south the line of the Lake of the Woods to the sea:

"Another river, called the Caledonia, (Fraser's,) holding a parallel course to the Tascoute Tescé, (Columbia,) falls into the sea near the Admiralty Inlet of Vancouver, in latitude 48, and forms a natural boundary between the new territory (Western Caledonia) and that of the United States, and falling in precisely with a continued line with the same parallel with the Lake of the Woods, and leaving about two degrees of latitude between it and the Columbia."

So said the Quarterly Review in January, 1822, No. 72, article "Western Caledonia."

I set out to establish, upon the admissions of Great Britain herself, our right to the Columbia River and its valley. I have done more. I have established her admission to the line of 49, giving us nearly three degrees on the coast, the valuable waters about the Straits of Fuca and Puget's Sound, and the whole Olympic district, no part of all which is in the valley of the Columbia.

We thus see that, in 1824, the British Government, by authentic acts, and by the language of Mr. Canning, admitted our right to the river and valley of the Columbia; and what was better, limited their claim to 49. At the same time we see that our Government was offering 49; so that the two Governments were of accord, and the question is, why they did not agree? The documents furnish the answer to this question, and a strange answer it is. Nothing else than a love of partnerships, and a desire to go into partnership with Russia and

Great Britain in the use of all the country beyond the Rocky Mountains, each enjoying the use of the whole in common with the others, and the title to remain in abeyance. The Emperor of Russia, like a wise man, declined all share in this mixed concern, got his own part laid off to himself, and has enjoyed it ever since in peace and quietness. The British Government, like another wise man, accepted our proposal, went into partnership with us, took the use of the whole to herself; and now claims it as her own. We were the only unwise in the transaction, and our improvidence, so visible to every body now, seen only by myself then, evidently resulted from the underestimate of the country, which was then so universal. By our proposal of partnership, we prevented the settlement of the boundary, and put a power stronger than ourselves in possession of our property—a power which has kept it so long that it begins to dream that it is its own; and now we are raising fleets and armies, and preparing to set the four corners of the world on fire, to get him out again. I had had the vanity to denounce it the day I first heard of it, in the year 1818, and thought I was doing something. I even published my denunciation in articles which I deemed quite sensible, and expected to make a great sensation. On the contrary, not one responsive note was obtained from the thousand newspapers which the United States contained; and I found myself as solitary then in advance of the public as I am now behind it.

I trust that I have made good our title, and that upon British admissions, to the Columbia River and its valley, modified by the line of Utrecht. Up to that line, if it becomes necessary, I am willing to fight; but, before fighting, I want to talk—and talk understandingly, with a knowledge of the subject—and to talk righteously with the great maxim before me: Ask nothing but what is right—submit to nothing that is wrong. Upon this principle I have now spoken, whether wisely, it is not for me to say; but it is not newly—it is not new talk with me. Twenty-eight years ago, I wrote what I speak now. Eighteen years ago, and when I had already been eight years a member of this body, I submitted a resolution in relation to this Oregon question, which I have seen no reason to retract or modify since that time, and which may stand for the text of my speech this day. It was in these words:

"Resolved, That it is not expedient for the Government of the United States to treat with his Britannic Majesty in reference to their territorial claims and boundaries west of the Rocky Mountains, upon the basis of a joint occupation by the citizens of the United States and subjects of Great Britain of the country claimed by each Power.

"Resolved, That it is expedient for the Government of the United States to treat with his Britannic Majesty in reference to these said claims and boundaries, upon the basis of a separation of interests, and the establishment of the 49th degree

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of north latitude as a permanent boundary between them, in the shortest possible time."

It was in the session of 1827-'28, and before the ratification of the second partnership convention—the one we are now determined to get rid of even at the price of war—and with the view of preventing the ratification of that convention, that this resolution was submitted. It presented my view of the settlement of this question, namely, no partnerships, the immediate establishment of a boundary, and the 49th parallel for that boundary. They are my views now; and, having said enough against partnerships, and enough in favor of settling upon some line, I go on to give my reasons in favor of that of forty-nine.

It is the line which parts, more suitably than a line following their high lands could do it, the valleys of the Columbia and of Frazer's River, saving to us all our discoveries and settlements beyond the Rocky Mountains, and leaving to the British the whole of theirs. It is a continuation of the line on this side of the mountains—a line which happens to conform to the geographical features of the continent on this side of the mountains, and equally so on the other. On this side, it parts the two systems of waters, one of which belongs to the valley of the Mississippi, and the other to the basin of Hudson's Bay; on the other side, it parts the two systems of waters, which belong to the valley of the Columbia from those which belong to Frazer's River, cutting off the heads of a few streams, of about equal value on each hand. It is the line of Utrecht—a line which will now be denied but by few—and to which few nothing more on this point will ever be said by me. It is the line of right, resulting from the treaty of Utrecht; and as such always looked to, in the early stages of this controversy, both by British and American statesmen, as the ultimate line of settlement and boundary between the countries. It is the line of right, resulting from the said treaty of Utrecht, up to which Mr. Adams, in his despatch to Mr. Middleton, of July 19, 1823, alleged an "unquestionable title" to extend; for only upon that treaty could a line of "unquestionable title" be averred. On any other basis, it could only be a line of convention—a conventional line of mutual agreement; and Mr. Adams was not a man to confound two things so different in their nature. It is the best line for us; for it gives us all the waters of Puget's Sound and Bellingham's Bay—I do not say the Straits of Fuca, (for those straits, like all the other great straits in the world, are part of the high seas, and incapable of self-appropriation by any nation;) it gives us these waters, and with them the picturesque and fertile square, of more than a hundred miles every way, lying between the Straits of Fuca and the Columbia, and between the Pacific coast and the Cascade range of Mountains, and of which Mount Olympus, near the centre, is the crowning ornament,

and from which the whole district derives its classic name of Olympia.

All this the line of the treaty of Utrecht gives us, which the line of the valley of the Columbia would not; for that river has no valley at its mouth, and enters the sea through a gap in the iron-bound coast. The valley of that river is a fan expanded, the spreading part in the Rocky Mountains, the handle in the sea. It is the best line for the British, for it gives them the upper part of the north fork of the Columbia, where it heads opposite the Athabasca and Saskatchewan—British rivers, and covered by British posts—and from all which the valley of Frazer's River would be cut off from communication if the head of the Columbia remained in our hands, just as Halifax was cut off from Quebec by the northern waters of the St. John. Thus, the line of right—the line of Utrecht—is the best for both parties, giving to each what is convenient and necessary to it, (for the triangle at the head of the Columbia is as necessary to them as the Olympic square is to us,) and taking from each a detached district, of little value except for annoyance. The British could annoy us in the Olympic district; we could annoy them at the head of the Columbia; but why do it, except upon the principle of laying eggs to hatch future disputes? upon the Machiavellian principle of depositing the seeds of a new contestation while assuming to settle the mischiefs of an old one? Forty-nine is the line which Mr. Jefferson proposed in 1807, as I have shown heretofore to the Senate. It is the line of which Mr. Gallatin and Mr. Rush said in 1818:

"The forty-ninth degree of north latitude had, in pursuance of the treaty of Utrecht, been fixed, indefinitely, as the line between the British northern possessions and those of France, including Louisiana, now a part of our territories. There was no reason why, if the two countries extended their claims westward, the same line should not be continued to the Pacific Ocean. So far as discovery gives a claim, ours to the whole country on the water of the Columbia River was indisputable."

It is the line of all the American statesmen, without exception, twenty and forty years ago. It was the line of Mr. Canning in 1823. It is the line for the rejection of which by Mr. Pakenham, without reference to his Government, Sir Robert Peel has lately, and publicly, and in the face of the world, expressed regret. It is a line which we have never presented as an ultimatum; which we have often proposed gently, and which the British have as often gently shoved aside, because they saw, from our own coetaneous propositions, that they could do better, and get the whole, at least for a long time, under our own delusive project of joint usufruct. But now all this gentle and delusive work is done with. The joint use is to terminate—events advance—and the question must be settled now by reason and judgment, or it will soon settle itself by chance and

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arms. Forty-nine is the line of right with me; and, acting upon the second half of the great maxim, **SUBMIT TO NOTHING WRONG!** I shall submit to no invasion or encroachment upon that line.

Senators may now see the reason why, for twenty-five years, I have adhered to the line of Utrecht. It is the line of right, which gives to us the Olympic district and its invaluable waters, and secures to us the river and valley of the Columbia. It is the fighting line of the United States. The Union can be rallied on that line!

Mr. B. having spoken until half-past three o'clock P. M. without concluding, gave way for a motion to go into Executive session.

Mr. B. said, that to-morrow they would, in all probability, take up the bill supplemental to the act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and he would conclude his remarks on the following day if agreeable to the Senate.

The VICE PRESIDENT then ordered the galleries to be cleared, and, after some time spent in Executive session—

The Senate adjourned.

THURSDAY, May 28.

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The Senate proceeded to the consideration of the report of the Committee on Territories, recommending that the laws of the United States be not extended over the Oregon Territory during the present session of Congress; when

Mr. BENTON then resumed and concluded his remarks.

[The remainder of this speech was devoted to an exposition of the great value of the region of the Columbia River, both in itself, and as furnishing a route to India.]

Mr. B., in conclusion, said, that if the Senator from Florida would withdraw the motion which he had made for a postponement of the consideration of this bill, he would move that it be recommitted to the Committee on Territories, with instructions.

Mr. WESTCOTT said, to enable the Senator from Missouri to offer his resolution to recommit the bill, with instructions, he would for the present withdraw the motion for the postponement of the subject until the first Monday in December next. He did so only to allow the resolutions to be considered, which could not be while his motion was pending; and he intended at a proper time to renew it.

Mr. BENTON then proposed a resolution, which was read by the Secretary, to the following effect: That the bill be recommitted to the Committee on Territories, with instructions to amend the bill by inserting provisions, first,

for extending the jurisdiction and laws of the United States, civil and criminal, over our citizens in Oregon, to the same extent as Great Britain has extended her jurisdiction and laws over her subjects in Oregon by act of Parliament.

Secondly, to report a bill for the full and perfect government of the Territory, to take effect after the termination of the convention.

Thirdly, to provide for a Territorial Legislature, and for the administration of justice; for the defence of the Territory, by fortifying the mouth of the Columbia; for commerce, by establishing custom-houses; for organizing the militia, and to provide for the security of navigation, by erecting light-houses, &c. The boundary of said Territory to be established by treaty, and until so established, the line of 48° to be regarded as the northern limit.

Mr. CASS intimated his intention to submit his views to the Senate upon this subject at such time as would be most convenient to that body. The honorable Senator from Missouri, (Mr. BENTON,) had annihilated, entirely to his own satisfaction, the line of 54° 40' as the northern boundary of Oregon. He hoped, however, to see it resuscitated and re-established. He also desired to sustain the position he had taken in relation to the line of the treaty of Utrecht.

Mr. ARTHUR said he would object to a recommitment to the Committee on Territories, for the reasons which had been assigned by the chairman of that committee. That committee could not agree on any one proposition concerning this bill. Why, then, recommit the bill to that committee with instructions? The object of the bill was to extend our jurisdiction over Oregon, and to establish a territorial government. He would therefore suggest its reference to the Committee on the Judiciary.

Mr. BENTON assented to the amendment.

Mr. WESTCOTT said he was gratified that the Senator from Missouri, who last addressed the Senate, (Mr. ARTHUR,) had suggested the reference to the Committee on the Judiciary, instead of the Committee on the Territories; for he was convinced the last-named committee, even under the proposed instructions, could not agree as to the details of a bill on this subject. For his part, he regarded the first branch of the instructions of the Senator from Missouri who first addressed the Senate (Mr. BENTON) as impossible to be obeyed by any committee, so as to effect any beneficial object. Suppose (said Mr. W.) we enact a law, declaring "the laws of the United States" to extend over Oregon: what will be the effect and result? The common law of England is no part of "the laws of the United States," as a Federal Government. There is no act of Congress, and consequently no other law, by which assaults and batteries, riots, and other venial offences against society, could be punished. If you were to extend all the laws of the United States over Oregon, there are not a dozen acts of Congress

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that could be made to apply to Oregon by such general extension, and these would answer no purpose whatever, either of protection or security, to the citizens of the United States there, or produce any other beneficial result. The citizens of the United States in Oregon have provided for themselves a local government. The sanction and protection of the United States as to that government is all that is required. As to the suggestion for the extension over them of the laws of Iowa or Missouri or Wisconsin, they would not give our citizens there what they desire. I have (said Mr. W.) on a former day endeavored to show the entire impracticability of such a measure; and besides that, it would not meet the exigency. The most important laws in a new frontier country are the local temporary laws, regulating the political divisions and judicial arrangements, the establishment of county sites, roads, ferries, bridges, police, patrols, and other municipal regulations which the adoption of the code of other States could not supply. Besides, who was to execute these laws? How were they to be executed? and when and where? Must all be fixed by special legislation, having special and exclusive reference to Oregon? Why, sir, you may adopt the best code ever devised by the wisest lawgiver, and without this machinery to give it effect, which can only be by special legislation adapted to the local wants of this territory, and framed with reference to the condition of the country, geographically, politically, and in every other respect, with reference also to the settlements in it, such measures would be entirely useless. Let me ask, what law of the United States, or of Iowa, or of Missouri, provides that a court shall be held at Oregon City, or elsewhere in the valley of the Willamette, or that directs that murders committed there shall be tried before a judge and jury, or how the judge shall be appointed, or the jury summoned, or who is to appoint the sheriff to hang the murderer? Which of these laws recognizes the local divisions in Oregon, whether called districts, counties, or parishes? Now, Congress cannot, with propriety, as it regards itself, or with justice, as it regards the people of Oregon, direct these details. Mr. W. said, notwithstanding all this, he had had no difficulty in this business, as to his own course, from the first, except as to satisfying others to agree with him. The citizens of the United States in Oregon, had established a local government, framed a constitution, created a legislature, enacted laws, elected a governor, judge, sheriff, and other officers, created counties and districts, and that local government was getting along very beneficially. It was the very thing, of all others, best for that country. All that was necessary at present was to give the sanction of Congress to that local government. The citizens of the United States in Oregon had asked us to do this. They had appealed to us to do this. Why not grant their prayer? Why subvert their government,

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established by themselves, adapted to their wants, adapted to the country, and arbitrarily force upon them a government of our making which cannot meet their necessities, and will not be adapted to the country?

Mr. W. said he should at a future day, if the Senate decided not to postpone the subject, move to modify the first part of the instructions of the honorable Senator from Missouri, (Mr. Benton,) to the effect that the committee to whom the subject might be referred, should be instructed to bring in a bill to recognize and sanction the local government of our citizens already established there.

Mr. W. said he regarded the subject of this temporary government of Oregon as of great importance. We should not make any mistake at the outset. The whole business may be involved in difficulties if a misdirection is given to it. After the limits and boundaries of the country are settled, there will be little difficulty in settling a permanent Territorial Government; and if the act of organization is copied from the Florida organic law, or of Wisconsin, or Iowa, or any of the Territories which have existed, it would contain nearly all the provisions proposed in the second branch of the instructions of the Senator from Missouri. But if we start wrong, we shall very likely keep wrong. Mr. W. was of opinion that there was no necessity for any law at this session, but at any rate none except a law recognizing the present local government in Oregon, with some few restrictions and qualifications, and the provisions which this bill contained as to mails, post routes, &c. The extension of the "laws of the United States" over Oregon, as proposed, would of course include the revenue laws; and if so, that would require a custom-house to be established, and officers appointed to enforce them. Mr. W. saw no necessity for such a course until the limits of the country were settled. It would lead at once and inevitably to collisions with the British subjects there. If anybody wanted to smuggle goods into the Western States from the Pacific Ocean across three thousand miles of mountain and desert, Mr. W. said he did not feel disposed to punish them very severely.

Mr. W. said the details of the bill to be framed as to the form and character of the Government in Oregon, if the Senate was disposed to consider and decide on it this session, should be framed with great care and caution; and he thought the Judiciary Committee the most proper to arrange them. He did not think it necessary to legislate about the Indians there at this time; but, if so, let the Indian Committee settle the details in that regard. The Committee on the Post Office and Post Roads could best arrange those with regard to mails and post routes; and if we were to have a custom-house in Oregon, the Committee on Commerce should, as in the case of Texas, ascertain where, &c. But Mr. W. said he was opposed to all except the mere adoption of the

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present Government of Oregon, arrangements for mail routes, and affording facilities and encouragement to emigrants.

Mr. W. said, as to the second branch of the instructions of the Senator from Missouri, (Mr. Benton,) it contained one thing that he would not vote for, which was, the instruction to limit whatever Government we establish there to 49° north. The question as to the boundary between us should not be referred to in the bill establishing a Territorial Government at all; it was not raised by it. Great Britain had extended her laws over the whole country, or rather her subjects in it, down to the Mexican line. We have the same right to extend ours over our citizens up north to the Russian line. She cannot complain.

On one part of the subject Mr. W. said there seemed to be a great misapprehension. He had heretofore referred to it, and he would again, once for all, advert to it. It is not proposed to extend our laws, either of the United States or of Iowa or Missouri, over British subjects in Oregon now. So Mr. W. understood the President's recommendation. It was only over our own citizens. We could not extend our laws over British subjects until the year after the notice had expired, consistently with the treaty. Great Britain had not attempted to enforce her laws there against American citizens; if her authorities have done so, it is in violation of the treaty. When the year after the notice has expired, or at any rate next fall, when we shall have known the issue of our negotiation, it would be time enough to decide upon our course as to British subjects residing in Oregon. At present, it was not only not necessary, but if we attempt it, we shall certainly create difficulties which will lead to war. Mr. W. said he should offer his amendment to the instructions of the Senator from Missouri when the subject was again brought up. He had deemed it his duty to express his views at this time, in order that they might be published at the same time with the instructions proposed by the honorable Senator from Missouri.

The Senate adjourned.

MONDAY, JUNE 1.

*Special Order.*

The Senate proceeded to the consideration of the bill to protect the rights of American citizens in the Oregon Territory.

The question pending being on the motion of Mr. Benton, to refer the bill, with instructions, to the Committee on the Judiciary,

Mr. Cass addressed the Senate as follows:

I did not intend, Mr. President, again to trouble the Senate upon any question, connected with our claim to Oregon, or with the proper course of policy to adopt in support of it. And I avowed to those friends with whom I am in the habit of free consultation, this de-

termination to remain silent, believing I had occupied my full share of the attention of the Senate, and of the public, so far as the public can be interested in any views of mine. I am now, however, compelled to break the silence I had imposed upon myself, and again to vindicate the position in which I am placed. The honorable Senator from Missouri has referred to me<sup>by</sup> name, and if I would not seem to abandon the ground I have occupied, I must defend it from this new and vigorous assault. I shall, however, be brief; avoiding recapitulation, and confining myself almost exclusively to two of the propositions submitted by the Senator—one entirely new, the other presented in the previous discussion, but again brought forward, though with new facts and illustrations, and extended to more remote regions. The former is the assertion of the non-existence of the line of 54° 40', and the latter the assertion, that the parallel of 49° was established as a boundary between the British and French possessions, by commissaries under the treaty of Utrecht, and that it ran to the north-west coast.

The Senator commenced by the work of demolition—pulling down before he built up—clearing off the rubbish occasioned by the labor of others, to procure a fair site preparatory to the task of re-edification. And how has this system of destruction and of substitution been effected? The process and the result I propose to examine.

In the first place, he announces, that till now we have all been in error, including the President and Congress, and the country, and that no such line as the parallel of 54° 40' has ever been established as the northern boundary of Oregon, and he considers that this correction of a great popular error is enough to "quiet the excitement, which has been got up about it." I fear, sir, that the honorable Senator deceives himself, and that this *excitement*, as he terms it, or this conviction of the extent and justice of our title, as I term it, is far beyond the reach of any new reading of old documents, however gigantic may be the intellect which puts itself to the task of giving out and vindicating a new system of national rights, or any new evidence in support of them. The honorable Senator is as competent to the performance of this labor, as any one among us. But, sir, when a great question like this has occupied the attention of an enlightened country and Government, in some mode or other, for almost half a century, and more recently has called into its service the heads and tongues and pens of hosts of able men in public and in private life, the discovery and promulgation of new views, giving an unexpected direction to a great controversy, is not indeed impossible, but is so far improbable that he, who claims the title and the reward of a discoverer, must expect to have his pretensions investigated with much care, and admitted with much caution. The honorable Senator, in the exultation of anticipated success, speaks of

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the *philosophy of the fifty-four-forties*, and says "there is an end of that question! All gone—vanished—evaporated into thin air—and the place where it was, not to be found." And then comes the parturition of the mountain, and the birth of the mouse.

It is a good old fable, intended to convey a useful truth. But it is somewhat dangerous in its application, especially when he, who appeals to it, in the very act of describing the labor of another, announces *ex cathedra* the value of his own. Pulling down to build up! annihilating one line to establish another! There is such a thing as putting the saddle on the wrong horse.

The honorable Senator says, "there is no boundary at 54° 40'." I quote his very words, and join issue with him. If there is not, I shall then confess, that I for one am liable to all the sneers he casts upon the fifty-four-forties, as he calls them, and upon their cause; while, if there is, I shall leave to the honorable Senator the position he has assumed.

And whence this declared popular error, respecting the boundary line of 54° 40'? It originates, says the Senator, in the treaty with Russia, concluded in 1824, the third article of which he quotes—

"Art. 3. It is moreover agreed, that, hereafter, there shall not be formed, by the citizens of the United States, or under the authority of the said States, any establishment upon the north-west coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees forty minutes north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel."

Now, sir, this, one would think, is clear enough. Here is fifty-four-forty, established as a boundary, as plainly as words and types can establish it, beyond which the claim of the United States cannot extend. It is the northern limit, across which we cannot go. We may march up to it; with that Russia has no concern. But the moment we attempt to put foot over it, we shall be met by this convention, and our plighted faith not to pass it. If this is not a boundary to us, I am sure I do not know what boundary we can have, there or anywhere else. It is a point not to be discussed. It gains no strength by argument, no clearness by illustration. *It is a boundary line*; and when that is said, all is said. I am well aware it is a line in *posse*, and not in *esse*, established upon paper, and not actually marked upon the surface of the globe. But so is most of the boundary between us and the British possessions, and between us and Mexico. And the Senator himself, in his argument, where he undertakes to prove the establishment of the parallel of 49°, as the line fixed under the treaty of Utrecht, expressly says it was established but not run. It was nevertheless a great line of demarcation, whose effects are said to be felt upon the rights of nations at this day. All boundaries between countries, which are not natural lines or marks, must be

first fixed by diplomatic arrangement, and when this is done, their establishment upon the earth becomes a question of fact, and is usually committed to scientific persons, who give practical effect to the labors of the diplomatists. If, therefore, the parallel of fifty-four forty should remain a paper instead of a visible boundary till doomsday, it would nevertheless be a barrier, beyond which we could not pass, and might at any time be ascertained by astronomical observations, and marked upon the ground, should such a measure become necessary to assert the jurisdiction of the one party, or to arrest that of the other.

After quoting the third article of our treaty with Russia, the honorable Senator proceeds to quote the third article of the treaty between Russia and England, regulating their mutual pretensions to the same region. And he controls the construction of one treaty, by what legitimate process I know not, by the provisions of the other. He says, and strangely too, that "they are identical in objects, and nearly in terms." *Identical in objects!* Why, sir, one is a treaty between the United States and Russia for the adjustment of their mutual pretensions, and the other is a treaty between England and Russia for the adjustment of their pretensions. Until it is shown, that American pretensions and English pretensions are the same, the identity of the objects of these treaties will be among the discoveries, that are yet to be made. "*Nearly identical in terms!*" This, sir, is almost an equal mistake. To show it, I will quote this third article of the Anglo-Russian treaty:

"ART. 3. The line of demarcation between the possessions of the high contracting parties upon the coast of the continent and the islands of America, to the north-west, shall be drawn in the manner following: commencing from the southernmost point of the island, called Prince of Wales Island, which point lies in the parallel of 54° 40', and the 138d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north, along the channel called Portland Channel as far as the point of the continent, where it strikes the 58th degree of north latitude; from this last mentioned point to the point of intersection of the 141st degree of west longitude, will prove to be at the distance of more than ten marine leagues from the ocean; the limit between the British possessions and the line of coast which is to belong to Russia as above-mentioned, shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom. And the line of demarcation shall follow the summit of the mountains, situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian,) and finally from the said point of intersection the said meridian line of the 141st degree on the prolongation, as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America to the north-west."

Now, sir, I do not quote this article, because it has the slightest bearing upon our claim, or

ought to have upon our investigation of its extent; but to show the mistake, into which the honorable Senator has been led, when he considers these two articles as identical, either in their objects or in their terms. They are almost as dissimilar in the one, as in the other. The effort of Russia was the same. It was to procure a recognition from the only parties, whose claims interfered with hers, of her title to that part of the country. This she effected by a stipulation of the United States, that they would assert no pretensions north of  $54^{\circ} 40'$  generally, and a stipulation with England, that she would assert none north of the same line, and west of ten marine leagues from the coast. On her part, Russia relinquished all her pretensions south of  $54^{\circ} 40'$ , but without touching the conflicting claims of the other parties, leaving them to adjust these in their own manner as they would, or as they could; and both England and the United States are as free this day to assert each its own title, and to oppose that of its adversary, as they were before the execution of these conventions with Russia.

I therefore remove from this discussion all the honorable Senator has said respecting the objects, the terms, and the effect of this treaty between England and Russia. We were no parties to it. It was formed a year after our treaty with the latter power, and we had just as much right to regulate the descent of the crowns of Russia and England, as those powers had to regulate our right to the Oregon territory. In fact, they assumed no such monstrous pretensions. And I must confess my surprise, that their arrangements are introduced here, as binding or controlling our territorial claims. And yet these two articles are placed by the honorable Senator in juxtaposition, as though they were parts of the same instrument, and his deductions respecting our rights seem to be drawn from one or the other indiscriminately: so much so, that the Senator actually says, "I have shown you the limits as established with Russia in 1824; I have produced the *treaties* (not treaty) which establish them, and here, also, is a map, which illustrates them, and shows every thing precisely as I have read it from the *treaties*," (not treaty.) He then proceeds to point out errors, which it is not necessary to examine, for they have reference exclusively to the treaty between Great Britain and Russia, and not to that between Russia and the United States. Our treaty merely provides that the parallel of  $54^{\circ} 40'$  shall be our northern boundary. Now, what have the errors of geographers or map-makers, in the protraction of the line between Russia and England, to do with the plain, undeniable boundary which limits our possessions?—a boundary so plain, indeed, that he who runs may read it in the treaty. What, therefore, is the direction of the other line—the Anglo-Russian line—which the Senator has discussed, and whether it goes to  $55^{\circ}$ , or  $56^{\circ}$ , or  $61^{\circ}$ , or, indeed, to the north

pole, touches us as little as any other question in political geography.

Then, sir, fifty-four is resuscitated, brought to life—an existing boundary, to which we may go, but beyond which we may not pass. We can *jam up to it* without any imputation upon our wisdom or our honor; "and the place where it was" is yet there, and there it will continue to be.

It will be recollected, sir, that the honorable Senator has staked this issue upon the existence of this line of  $54^{\circ} 40'$ ; and when we point to the Russian treaty, he attempts to meet us by his construction of a treaty, and of the causes that led to it, between Russia and England. We repudiate this, and refuse to have our line *annihilated* without our consent.

The line, then, exists, though the honorable Senator says it is confined by the precise terms of the treaty "to the islands and coasts, and having no manner of relation to the continent." And again: "This is the Russian line on the continent with Great Britain: the United States have no continental line, either with Russia or Great Britain."

Strange assertions, as I shall show. Were this even so, still we should have our favorite line, though it might stop short of the eastern extent of our claim, and though the honorable Senator says we have "no boundary at  $54^{\circ} 40'$ ." But where does this line stop in its easterly progress? The honorable Senator says it does not touch the "continent." Why he makes it an insular boundary, in the very face of an express stipulation, that it shall extend to the "islands and the coasts." I know not. As he gives no reasons for this limitation of the natural construction of the article—not, indeed, its natural construction merely, but its express and positive declaration—I must be permitted to believe, that *coast* is the *coast* of the continent, and the islands, "the islands adjacent to it." Adjacent to what? To the coast. To what coast? To the *north-west* coast of America. The treaty recognizes two geographical divisions—the coast, or continent, and the adjacent islands. The honorable Senator says it is confined to the islands, and does not extend to the continent, or coast. I cannot argue this point.

By each of these conventions, he says, "the Russian claim is confined to the coasts and islands; and by each the same limit is given both to the United States and Great Britain," &c. "It was a limit wholly in the water, not at all on the land; the British only reached it by going through Portland Channel."

I do not understand this at all, sir. The Senator one moment says that the United States and Great Britain have *both the same limit*; in the next, that our line never touches the land, but the British line does. The fact is, they have not the same line at all. Ours is the parallel of  $54^{\circ} 40'$ , continental and insular, for the distinction of the Senator between the two is wholly gratuitous, unknown to the con-



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vention. The British line commences at a point on that parallel, and then quits it, running thence such courses, as give to Russia an irregular parallelogram, extending north and south along the coast, and east in width ten marine leagues from the sea.

Mr. MANGUM desired a division of the question, and it was accordingly divided, and being taken upon the first branch, viz., the reference to the Committee on the Judiciary, it was agreed to.

The question recurring on the instructions, they were again read on the call of Mr. MANGUM, and the yeas and nays were ordered.

Mr. WESTCOTT, as the question was about being put on the first branch of the instructions, rose and said that he felt it to be his duty to ask the attention of the Senate for a few moments in relation to the proposed instructions. He had intended to renew his motion for a postponement of the whole subject till the first Monday in December next, but it had been suggested to him that the decision of the Senate could as well be obtained by the vote upon the recommitment of the bill, and he had therefore not renewed his motion. Besides, his opinion had in some degree altered. Though he still thought there was no necessity for the proposed legislation at this session, yet the country, perhaps, looked for it, and something was due to their wishes and expectations. Mr. W. had therefore voted for the reference to the Judiciary Committee. Though the Committee on Territories were unable to agree as to the proper legislation on this subject, Mr. W. said he did not doubt the Judiciary Committee could and would. He was on both committees, and had no feeling whatever as to the disposition of the bill. But he did not think any instructions to the Judiciary Committee necessary or proper. The Senate having, by the vote just taken, indicated its disposition to legislate in regard to Oregon at this session, it was not necessary for this chamber to do more at this time.

Now, (said Mr. W.,) what are the proposed instructions? It is proposed to extend the laws of the United States over Oregon, as a temporary government, till the year after the "notice" to end the joint occupation had elapsed, to the same extent as the British Parliament have extended the laws of England and of Canada over it. Mr. W. said he was opposed to this instruction—first, because the extension proposed was too little; and, secondly, because it was too much. Mr. W. said he had on a former day briefly given his views to the Senate with reference to this proposed extension of the laws of the United States over Oregon. He had objected to it because it would answer no practical purpose, do no good, afford no protection to our citizens there. Why, sir, we might as well hoist the American flag there, and do nothing more. Just about as much benefit would result from the one as the other. The people of Oregon want a local government there—a municipal government, under the

sanction of Congress. This they have asked for. This is all they want. What law of the United States extended over Oregon will regulate the descent of real estates, or the distribution of personal property of deceased persons there? How is a will to be proved? or letters of administration to be obtained? How is a debt to be sued for? What "law of the United States" can be invoked by the people there to aid them in the organization and establishment of their local municipal government, or to regulate their intercourse between themselves? There is none whatever. So, too, under what act of Congress are riots, assaults, or even murders, in Oregon to be punished, and by whom, and when is an offender to be tried? The inability to answer these questions satisfactorily, shows that the extension proposed is too little—that it would answer no beneficial end.

Again: If we extend the laws of the United States over Oregon, and your tariff laws amongst them, you must establish a custom-house and make custom-house officers, or no foreign merchandise can be admitted there. Besides, if you attempt to enforce your import laws on British subjects there, before the "notice year" has expired, you will at once come into collision with them. They will resist such attempt. While the convention of joint occupation is in force, we have no right to attempt the enforcement of such laws against British subjects in Oregon. Therefore the extension proposed is objectionable also as being *too much*. If we do extend the laws of the United States over Oregon, and the tariff laws amongst them, and even confine their operations to our own citizens, (which, by the by, would be futile, for then the British could enter the goods to avoid the duty,) you must not only establish custom-houses and custom-house officers, but you must have a Federal judge, Federal attorney, Federal marshal, &c., to enforce the laws. I am opposed to all this, (said Mr. W.,) in the temporary Government to be established there prior to the expiration of the "notice year," and to expire itself with that year. He said, if any instructions were given, he hoped they would be modified in this respect also.

Mr. W. said he had heretofore, on two occasions, called the attention of the Senate to the constitution, or form of government, or organic law framed and ordained by the citizens of the United States in Oregon in July last, for their temporary government. He solicited Senators to read that document, which had been printed by order of the Senate, and laid on our tables. He understood there was a dearth of copies, but, if desired, more could be printed. So far as he (Mr. W.) was competent to judge the form of government the OREGONIANS had adopted, it was a wise one. The organic law was copied from the Constitution of the United States. The people of Oregon have asked us to adopt and sanction their government, thus adopted. I ask, what earthly objection is there

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to such a course? I do not say adopt it *permanently* now. We can create a new government when the boundaries of Oregon are settled, like those formerly existing in the Territories of Missouri and Florida. We may do this next fall, in anticipation of the expiration of the "notice year" if we choose, and to be put into operation when that year expires.

Mr. W. said he saw no necessity for being in a hurry on this subject. The extent of the legislation at this session should, in his humble opinion, be the recognition and sanction of the government established by the *Oregonians* themselves, with some qualifications and restrictions, and some provisions and also appropriations, in addition to those already made, to aid and encourage emigration to Oregon. The War Department can employ the Federal troops to carry the mail. As to the Indians, we had better let them alone. So soon as you send agents and sub-agents, and stores and traders and whiskey among them, and begin to make treaties with them, you may expect a fuss with them. Let the missionaries manage them. The Oregonian local government prohibits by law rum being brought into the country for any purpose, and destroys the stills there. Our legislation here, and our officers sent from the United States to Oregon, can do little good in respect of the Indians if the *Oregonians* do not attend to their own interests on this subject.

Mr. WEBSTER said he entirely concurred in the proposition which had been agreed to by the Senate to refer the bill to the Committee on the Judiciary; and he concurred in what appeared to him to be the general scope and object of the instructions moved by the Senator from Missouri; but, in regard to most of these instructions, he thought suggestions might be made which the honorable Senator himself would say were deserving of his consideration.

There appeared to be three objects embraced in those instructions. In the first place, the establishment of a temporary government for the protection of our citizens until a regular territorial government should be provided; in the second place, for the organization and establishment of such territorial government; and, in the third place, a declaration *in presenti* of what shall be the line of boundary until a boundary be established by treaty. The first object sought to be obtained, viz., a temporary provision for the protection of the citizens of the United States now in Oregon, appeared to be by proposing to adopt, under the authority of Congress, a law analogous to that adopted by England in 1821 for the protection of her subjects within the same territory—the phraseology of the first part of the instructions being that the committee amend the bill by extending the jurisdiction and laws of the United States, civil and criminal, over the citizens of the United States in Oregon to the same extent as British laws were extended over the territory by act of Parliament; but the condition

of the two countries in regard to legislative power was so very different, that we could not accomplish our object by adopting the phraseology of the act of the British Parliament.

He believed that the laws extended over British subjects in Oregon, by act of the British Parliament, were the laws of Upper Canada. Those were the laws which operated for the protection of their subjects beyond the Rocky Mountains; and that was practicable, because they were municipal laws, and laws for the punishment of crime. But, under the general phraseology of these instructions, no such object could be reached. Suppose the laws of the United States were extended over Oregon. What were they? The crime of murder, committed in the Territory, could not be punished by any authority of these laws. Congress had no municipal power, except within the District of Columbia, and such places as might be confined to its care. The Senator from Florida had suggested many other cases, in regard to which there were no laws of Congress which would apply, because our system excluded the enactment of municipal law. We have (said Mr. W.) no laws regulating descent and the title to property, none relating to devices or any of the relations of persons and property.

The first inquiry, then, which I would submit to the Senate is, how far it is necessary, under the circumstances of the case, to provide any temporary enactment for the government of our citizens in Oregon? This will depend very much upon our hopes or fears that the dispute between the two countries will soon be terminated. My hopes predominate over my fears upon this point. I look for a settlement of the question and the fixing a line between the possessions of the two countries within a short period. The question then is, whether it is necessary or expedient, on the whole, to disturb the existing state of authority there, by the interposition of any authority whatever? If the view that I have taken be taken also by the Senate, if we believe that the country will soon be in a condition that we may apply to it and establish over it a territorial government, perhaps it will be considered the most wise course to leave things as they are until that period arrives.

The next thing is the preparation of a bill making provision for the establishment of an actual territorial government over Oregon. This entirely meets my approbation. I think it is high time that some of the committees of this body should have under its consideration, and in progress of perfection, an organic law of this kind; and in this respect I concur with all the suggestions contained in this branch of the instructions.

Then comes the third object, which seems to contemplate fixing the northern boundary. Well, sir, upon such reflection as I have been able to give to the subject, I should rather incline to omit this for the present. I should rather incline to confine ourselves for the present to the

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preparation of a bill for the organization of a permanent territorial government, entertaining the hope that before we separate the northern boundary may be fixed by treaty; and if so, no provision of law on the part of Congress will be necessary. If, however, there should be no settlement of the boundary, why there will be time hereafter, even at the last day of the session, to decide, if we must decide by law, upon a northern boundary. I would be glad, therefore, if the Senator from Missouri would agree so to amend those instructions as to abstain from touching upon the question of boundary, or of any temporary legislation for the territory of Oregon. It has been intimated, however, that it would be well to give this matter some further consideration; and I move, therefore, that the Senate do now adjourn.

Mr. W., however, immediately withdrew his motion for adjournment at the request of

Mr. CALHOUN, who rose and said his own impression was decidedly in favor of referring the subject to the Committee on the Judiciary without any instructions; and his reason, in the first place, was this: He thought it would be altogether improper to encumber the committee with any instructions. But he would go further. His impression was exceedingly strong that our wisest course, at present, was to do nothing. He did not think it would be advisable to pass any temporary law in reference to that Territory. What possible good could it do? If the controversy should be adjusted between the two governments, it could be of no avail, for there was a temporary government already established; and if it should not be adjusted, it would be a work of supererogation. As to making permanent regulations for the government of the Territory at this session, it appeared to be entirely useless; for they would have ample time at the next session, before the expiration of the twelve months after giving the notice, to act on the subject, and with much fuller knowledge than they could now possibly have. They would, by that time, know what effect would be produced by the notice, whether there would be an adjustment of the question or not. Surely, this was a matter of no small importance. Under these impressions, he should vote against the instructions. And he hoped that the committee would take ample time for the consideration of the subject.

Mr. ARNOLD said he should vote for all the instructions; as for prescribing the northern boundary, however, that was a matter for after consideration. They might make temporarily either 54° 40' or 49° the limit for the extension of the laws of the United States, without forfeiting any right of our own in the one case, or intruding upon any rights of Great Britain in the other. He was willing to adopt a territorial government upon any line. There was, he would admit, a good deal of force in the argument of the Senator from South Carolina. If the bill for the establishment of a permanent government were passed, it could not take

effect until the treaty was annulled and abrogated; but there could be no harm in extending the laws of the Territory of Iowa over Oregon. They had municipal laws already in existence. The Committee on the Judiciary might examine the municipal code of Iowa and adapt them to the condition of Oregon; but there was an absolute necessity for having a form of government established immediately upon the abrogation of the treaty; and if they were to form an opinion of what could be done at the next session by what had been done at this, they would hardly be enabled to provide the proper enactment if postponed until the next session. They had been, during the whole of the past winter, debating the question of notice, and it could hardly be expected that in a three months' session a code of laws could be prepared more conveniently than at present.

TUESDAY, June 2.

*The Ways and Means.*

Mr. CRITTENDEN rose, and asked a reconsideration of the resolutions of inquiry, which were adopted by the Senate this morning, on motion of the honorable Senator from Alabama, chairman of the Committee on Finance. He desired the reconsideration of these resolutions, for the purpose of suggesting an amendment to the second resolution, by inserting these words, "or what other measures he would recommend as most expedient for," &c.

The resolution, it would be observed, confined the attention of the President exclusively to the modification of the tariff; but there were other sources of revenue besides the tariff which the President might deem it proper to advert to as being a proper means of supplying any deficiency.

Mr. LEWIS said, as the object of the Senator from Kentucky appeared to be merely to widen the scope of inquiry, he could have no sort of objection.

The question on reconsideration was then put and carried.

The amendment proposed by the Senator from Kentucky was then read.

Mr. SEWELL said it would be perceived by the Senate that the resolution proposed an inquiry as to whether a reduction of the tariff would be recommended as a suitable means of raising revenue, and as to the extent to which it would be necessary for the purpose of avoiding direct taxation and the issuing of treasury notes.

Mr. WEBSTER said he, of course, could have no objection to the passage of these resolutions, though, if an opportunity were afforded, he might be disposed to propose certain amendments; but they were introduced only this morning, and at once adopted.

It would answer his purpose, however, to call the attention of the members of the Finance Committee, and, if it were practicable, he would

also call the attention of the Secretary of the Treasury, to the state of things now existing in this country, or at least in some parts of it, which was not a little embarrassing—he meant the state of the money market in New Orleans, and the corresponding condition of it in the Northern States. It would soon become evident to Congress and the whole country, that if New Orleans should become and continue to be a point of large expenditure for the purposes of the war, and there should be no other means except such as at present exist for the transferring of funds from the North to New Orleans, very great embarrassment would be felt, not only at New Orleans, but at the North. Indeed, this was the state of things now existing. He had understood that very large remittances or transfers had already been made on Government account in specie by internal conveyance. While this state of things existed, while the country continued to be endangered, and the States of the North were called on to furnish supplies, the evils and inconveniences attending it would be severely felt. He was desirous, therefore, while the questions embraced in these resolutions were put to the Executive, that the attention of the Executive and of the two Houses of Congress should be especially directed to the consideration of how these funds were to be transferred without great inconvenience to the community. Whether this could best be done by treasury drafts, performing somewhat the same operation as treasury notes, or by some other mode, he would not undertake to say, but it was a matter which, in his opinion, demanded the attention of the Secretary of the Treasury, whether some provision, if there be none existing, might not be made by law to meet the case.

He offered these suggestions that they might attract the attention of the members of the Committee on Finance, and also of the proper department of the Executive Government. Perhaps, however, the honorable chairman of the Committee on Finance might be prepared to say what facilities they relied upon, and how they expected the transfers to be made.

Mr. LEWIS said he was not informed.

Mr. CALHOUN said that the evils to which the Senator from Massachusetts had alluded were certainly very great, but his apprehension was that they would prove to be remediless. As long as the exchanges were in favor of New York, there would be no difficulty; but whenever the expenses of the Government were so large at New Orleans as to turn the exchanges, nothing but gold or silver would pass. It was one of those difficulties incident to a country like ours, where the principle points were so remote from each other; and he was inclined to believe that neither a Bank of the United States, nor any other contrivance, would entirely overcome the difficulty. The object of the resolution of the chairman of the Committee on Finance, as he understood it, was to ascertain whether the expenses neces-

sary for carrying on the war might not be raised out of the modification of the tariff. If the Secretary of the Treasury should be of the opinion that they could be thus raised, there would, of course, be no other means considered necessary; but if not, it would then be time enough to call upon him to know what other measures it would become necessary to resort to.

Mr. WEBSTER said he was unwilling to think that the Government might not by law, or by proper administration of the law, make the necessary transfers without the establishment of a bank, at least that they might not make such arrangements as would greatly facilitate their operations. He felt quite certain that it would be competent for them, if authorized, and if the authority were exercised with care, to make treasury drafts which would very much alleviate the evil, for it was quite one thing to be drawn upon, and another to remove specie to a distant part of the country. He was very much afraid there would be no avoidance of the evil, but all the operations of business would continue to be greatly checked, unless some provision of this sort were adopted.

Mr. CALHOUN said it was very obvious that if the exchanges were favorable to the North, treasury drafts would answer the purpose; but if otherwise, nothing would effectually remedy the inconvenience. It would depend very much upon the amount of expenditures made. He believed that even in ordinary times, within the last few years at all events, exchanges had been during the winter and spring months in favor of New York. While this was the case, treasury drafts would readily be taken.

Mr. WEBSTER said it was well known that exchanges continually fluctuated according to the season of the year. For a part of the year they were in favor of New York, and for another part they were in favor of New Orleans. There was some objection to treasury drafts, and, as he had said, it was not for him to suggest a remedy, but it was a subject well deserving of attention.

Mr. CHITTENDEN said that undoubtedly the suggestions of the Senator from Massachusetts deserved the attention of the Government; but it was a mistake to suppose that exchanges were generally in favor of New York. According to the newspaper accounts, they were five per cent. in favor of New Orleans. It was money that the Government wanted there, and not paper. The amendment which he had offered was intended to procure the opinion of the Executive as to the mode of raising revenue. Under the resolution originally proposed, it was implied that revenue was to be derived exclusively from the tariff; but it might be that the President did not consider that the most desirable and expedient mode; he might not consider it an adequate means of raising revenue. He did not want the opinion of the Executive on any particular point; he wanted an answer that would subserve all practical pur-

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poses which they had in view. First, if there was likely to be a deficit of revenue; and, secondly, what measures he would recommend to us to supply that deficit. If, in his opinion, a modification of the tariff would be the most efficient and the best remedy, he would, of course recommend such modification; but he might be disposed to recommend other measures. He thought, therefore, there was nothing inconsistent with propriety in adding the inquiry suggested by the amendment.

Mr. WHEELER said he was clearly of opinion, with great deference, however, to the opinion of other Senators, that the wisest thing Congress could do would be to authorize a certain amount of treasury notes for the purpose of facilitating transfers. This would have a tendency to quiet the existing alarm. He did not intend such an issue as would lead the country to rely on these notes as a medium of circulation, but only so much of an issue as would tend to equalize the exchanges. That would be his recommendation, if he were in an attitude to recommend measures to the Government.

Mr. NILLES said he was in favor of a system which would entirely separate the finances of the Government from the banks and from the commercial interests of the country. This was the only remedy he knew of; and if this were effected, the embarrassment would be but trifling. From their connection, nothing could be expected but annoyance and difficulty. The sub-treasury still slept; he did not know but it was the sleep of death.

Mr. LEWIS said the Committee on Finance would be prepared to report that bill in a few days.

Mr. SUMMONS said he thought the Senator from Mississippi misapprehended the language of the resolution, or else—

Mr. SPEIGHT. Will the Senator allow me? To stop discussion, as far as any thing I said is concerned, I withdraw all objection to the resolution.

Mr. SUMMONS proceeded to observe that the Senator seemed to suppose that the word modification was synonymous with reduction. This was an error. The President might suggest any modification, either by raising or reducing the tariff. With regard to the difficulty of making the transfers of money, he approved of the suggestion of the Senator from Massachusetts, not by treasury notes, but by treasury drafts. There would then be no need of a transfer of coin.

The question was then taken upon the amendment, and it was adopted.

The question recurred upon the resolution, as amended.

Mr. DAVIS said he was gratified that these resolutions had been offered, and this discussion consequently elicited, by the chairman of the Committee on Finance, not so much on account of any difficulty existing in regard to exchanges as in reference to the general policy which it

became necessary to pursue, under the changed condition of the country, since their scheme of policy was marked out by this Administration. They were informed by the President, at the opening of Congress, that it was desirable to enter upon a general scheme of policy; that it was desirable to pass what was called the sub-treasury bill; that it was desirable also to modify, to a certain extent, what was called the tariff law; and he believed it was considered a part and portion of that system of policy that the warehousing system should be adopted. This scheme of policy was devised in a time of peace and of ordinary expenditures; yet he supposed those measures, in the minds of most gentlemen, were viewed as one scheme, one general plan of policy. But circumstances had effected a material change in the affairs of the country, and he would venture to say that other gentlemen, as well as himself, had felt some embarrassment, and would be somewhat at loss as to what they were to do, unless informed of the mode by which it was proposed by the Government to raise revenue. The Senator from Connecticut seemed to be surprised that the sub-treasury had not been brought forward for consideration. Perhaps it would be worthy of the consideration of that honorable Senator, if the Government should be obliged to resort to other means than the tariff for raising revenue, what those means should be; and if treasury notes, whether the issue of such notes would harmonize with the existence of the sub-treasury. They ought to know whether it was contemplated to reduce or to increase the tariff; this was a very important matter; and he did not feel exactly prepared to act upon questions of this description until he saw some general system of policy pointed out which would be uniform in its character. He did not feel exactly prepared to take up one of these measures and act upon it, until he saw what was to follow it. It was one of the duties which devolved upon the Executive to express to Congress the views he entertained in regard to the amount of money that would be requisite for the purposes of Government; and it was also a duty devolving upon him to suggest the mode by which that revenue was to be raised. Until they were enlightened as to the course which was to be pursued, they would be constantly embarrassed.

Mr. ALLEN said he could perceive no objection existing to the passage of the resolutions as amended, and he hoped, therefore, the vote would be now taken, that the Senate might proceed to the consideration of the orders of the day.

Mr. CRITTENDEN said, upon further reflection, he thought his purpose would be better accomplished by another amendment which he would prepare. And, with this view, he moved that the further consideration be postponed until to-morrow morning.

The motion was agreed to.

The following is the resolution which Mr. CRITTENDEN proposes to offer to-morrow, when the subject comes up:

*Resolved*, That he be also requested to communicate to the Senate, whether in the event of the deficiencies contemplated by the preceding resolution, he would recommend a resort to loans, treasury notes, direct taxes, or a modification of the tariff, to supply that deficiency, or what other measures, if any, he would recommend for the purpose.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, JUNE 2.

#### *The Mexican War.*

On motion of Mr. HARALSON, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. TIMBATH, of Kentucky, in the chair,) and resumed the consideration of the supplemental bill.

Mr. GARRETT DAVIS said he was astonished that the House had decided to act so hastily upon the measure under consideration. It was one of much importance, and not a little difficulty; and yet less than two hours were allowed to consider, to amend, and to debate it. Such precipitancy in the interesting legislation of the United States was fast ceasing to be novel in the present House, and was altogether unsafe and reprehensible.

I am opposed (said Mr. DAVIS) to this measure, and I will state very briefly a few reasons. Congress has by law authorized the President to employ in the service of the United States fifty thousand of the militia of the States. The constitution declares expressly that the appointment of the officers of such militia is reserved to the States respectively. The law to which this is intended to be a supplement, provides that this body of militia may be mustered into the service of the United States by battalions, by regiments, &c. The second section of this bill provides: "That the President of the United States be, and he hereby is authorized to call into the service such of the general officers of the militia as the service, in his opinion, may require, and to organize into brigades and divisions the forces authorized by said act, according to his discretion." Each regiment authorizes the State authorities to appoint a colonel to its command; and where more than two regiments are mustered into the service together, such authority would be entitled to appoint a brigadier-general. This and the original bill is artfully devised to supersede wholly the appointment of brigadier-generals by State authority. Three regiments of volunteers are required of each one of several States, and among others, of the State of Kentucky. As this force is all designed to act in the same war and against a single enemy, all the force required from a State ought to be mustered into the service at the same time and place, and under such an arrangement Kentucky

would be entitled to select and appoint a brigadier-general to command her militia. But I understand the purposes of the War Department to be to prevent this, by requiring the troops from my State to rendezvous at different points, so that a brigade command shall not be collected at one point. In this sort of detail they are to be thrown with the volunteers from other States; and then the President, in the exercise of the discretionary powers vested in him by this bill, declines to call into the service any general officer of the State of Kentucky, but throws a regiment from that State with one or more regiments from other States, and organizes them into brigades or divisions according to his discretion, and then appoints a major-general, or a brigadier-general, as provided for by the first section, to command them. This would be juggling the States out of their right to officer their own militia, for the grades of brigadier and major-general.

But the fifth section pushes this infringement upon this power and right of the States still further. It provides:

"That when volunteers of militia are called into the service of the United States in such numbers that the officers of the quartermaster, commissary, and medical departments, authorized by law, be not sufficient to provide for supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Senate, as many additional officers of said departments as the service may require, not exceeding one quartermaster and one commissary for each brigade, with the rank of major, and one assistant quartermaster with the rank of captain, one assistant commissary with the rank of captain, one surgeon and assistant surgeon, for each regiment."

Here are six classes of officers, each class necessarily to be numerous, some of them of a brigade and some of a regimental character, not only pertaining but indispensably necessary to the organization of this militia force which Congress has authorized, and which the President has required from the several States. The constitution expressly provides that the appointment of these officers, of *all militia* officers, is reserved to the States; and this bill coolly proposes to take this power from the States, and vest it in the President and the Senate. I know how vain a task it is to appeal to the constitution to stay this Democratic party in any of its purposes. When the constitution favors the ends, they clamorously invoke it; when it stands in their way, they condemn and trample it under foot. But this power to officer their own militia, when a President of the United States calls them into service, is one of the rights of the States. It secures to each State a control over its own troops, and protects them against what would be the all-conquering military power of the President, when large bodies of the militia are called into the service of the United States, and all its officers holding their commissions

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and existing but by his sufferance. Yet a moiety of this great security, Democrats, State-rights men, strict constructionists of the constitution, go now for adding to the overgrown powers of our President king; the other half, no doubt, they will be ready to surrender when, in the exercise of the recently clutched war-making power, he brings on a conflict with England for Oregon.

Mr. Chairman, I am opposed also to the first section of this bill, which authorizes the President "to appoint, by and with the advice and consent of the Senate, two major-generals, and four brigadier-generals, in addition to the present military establishment." The object of the appointment of four brigadier-generals, by the President, is obvious enough—it is to increase his patronage, and to cheat the State authorities out of their appointment. Beyond the ever-present motive of an increase of patronage and spoils, the party reasons for the two major-generals are more obscure. I do not believe that there is any necessity for such an increase of the high officers of the army, and particularly of a permanent increase, as this is in its terms. We know that a proposition to limit it to the continuance of the present war in Mexico failed, and I do not believe it to be necessary even during the continuance of this war. We all know the condition of Mexico. After the recent signal defeats of her army, when the odds were so much in its favor, it is almost certain that she will not again take the field with a large body of men, and come to pitched battles. Our army has taken post on the western bank of the Rio Grande, and doubtless before this has taken possession of Matamoras, and driven the Mexicans into the interior. They are divided into antagonist factions, headed by military leaders, and have no permanency or repose. They have no revenue resources; no system of government; no security of person or property; no great industrial interest; and are in a state of social disorganization. It would excite surprise in no person to learn to-morrow of the overthrow of the government of Paredes; and with that event this war would terminate. Before it, there might be some skirmishing and partisan operations, but even now the war has been substantially brought to a close by the victories of General Taylor. The idea of constituting two major-generals and four brigadier-generals for this war is ridiculous. This is the probability of existing things; if it be different, it is against reason and events, so far as we are informed. There is not the least apparent necessity to us for this measure; and as Congress will be in session some six or eight weeks yet, and long before its adjournment will know certainly the course which the Mexican war will take, why act upon a conjecture of it, when delay can produce no possible mischief? We may learn, in the mean time, as I do not doubt we will, that there is not even a seeming necessity for these six additional generals, their aids, &c.;

certainly, if we authorize them, we will soon know that it is easier to make than to unmake generals.

Mr. Chairman, at the close of the last war we had sixty-five thousand troops, and but twenty-five generals, and our armies were then employed on many and distant frontiers, from Nova Scotia to New Orleans. Now, when the present establishment is filled up, there will be, exclusive of the militia, which the States have the right to officer, but about fifteen thousand men. We have twelve generals and a great redundancy of officers of a lower grade. Our reduced peace establishment was founded upon the principle of having it full officered, and about a half supply of privates; so that when it became necessary to increase the army, this might be done by filling up the rank and file without any addition of officers. The principle is wise and right. An enlargement of the army has been made upon it, and all that is necessary now is, to let it alone, and it will work well.

Mr. HENLEY. His only object was to say he was opposed to increasing the officers of our army. He saw no necessity for it, except for the time of the war. There was no necessity for it, because we have already officers in the army, if not of so high a grade, at least of as much gallantry and as much skill, and who were abundantly competent to perform the duties which would be performed by the officers sought to be appointed. Therefore, in this little war—which he agreed with the gentleman from Kentucky (Mr. DAVIS) in saying he believed almost at an end now; but if it was not, he could see no necessity for this increase of officers—in this little war he was utterly opposed to this creation of new offices which were entirely unnecessary.

Mr. HARALSON. It was a little strange that those gentlemen, who, when the bill recognizing the existence of the war with Mexico, and providing the means for its prosecution, was before this House, declared that there was no war, should be complaining before the country that sufficient forces were not sent to the aid of General Taylor while in Texas; when according to their own account, there was no necessity for them. Who could best know the wants of the service—the President of the United States, the Secretary of War, or the general in command, who could look over the whole field of operations, who was, perhaps, informed of the movements of the enemy, who knew his own strength, and felt sufficiently strong to stand up against any forces opposed to him? It was a matter of no just complaint either against the President of the United States or the general in command. Instead of this, the sequel of the whole affair had resulted in the highest compliment to both. Authority was given, (and it seemed to be made a cause of complaint not only that authority was given, but that the troops were not sent before he made the call for them.) About four thousand

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regular troops had been placed under his command, and authority given him to increase them still further, by requisitions from the southwestern States, if deemed necessary by him. What ground, then, of blame was there against the Administration?

His object was more particularly to discuss the bill under consideration, and fairly and candidly to present to the House such reasons as had influenced the Committee on Military Affairs in reporting it to the House. He did so with great deference to the views of gentlemen, especially after the action of the House upon some of the measures recommended by that committee. Now, we did not know what plan might be adopted by the Administration, for it was theirs to execute, while it is ours to give them the power and the means—we cannot tell whether it is intended on their part to make a war of invasion or not, for they have not informed us; but if we intended to secure an effectual warfare, such as should sustain the honor of our army and bring it to a speedy termination, he trusted such arrangements would be made as were necessary to secure these great objects. Do you wish the war to be conducted on the borders of the enemy's nation? Do you wish to take some ten, fifteen, twenty, thirty, or even sixty-five thousand men to the verge of the Mexican country, and leave them there waiting for the Mexicans to march forward so as to give them opportunity for a conflict? If this be your plan, you have no use for major-generals, for brigadier-generals, or for the forces you have authorized; but if it be your object to carry on this war in a manner to redound to the credit and honor of our arms, and hasten it to a speedy and successful termination, and secure a lasting peace, it becomes necessary that we have a force sufficient to bring them to terms, even through an invasion of Mexico itself. If General Paredes keeps himself within the walls of Mexico, who can tell but it might be necessary—indeed, is it not probable, that it will become necessary to go into the interior of Mexico from Matamoras, at some point on the coast further south, even at Vera Cruz, perhaps at Santa Fe, and other points? In that event it would be necessary to have men of military skill to conduct the different detachments of your army, and prepared to discharge all the duties, and meet all the contingencies that might befall them. Much, therefore, would depend upon the character of the warfare which the Government should determine to carry on. Let us give them the proper means, and hold them responsible for the manner in which it is conducted. He trusted that it might be brought to a speedy termination.

In the war of 1813 and 1814, (Mr. H. proceeded to say,) 65,000 troops were at the disposal of the Government; and with this force we had, according to the Army Register of 1818, (which he had before him,) six major-generals and sixteen brigadier-generals, besides

two brevet brigadier-generals. And now it was complained that we were increasing our officers too largely, when two additional major-generals were only asked, making three in all; and four brigadier-generals, making, with the present establishment, six brigadier-generals in all by right, though it was true we had a few others by brevet.

## IN SENATE.

WEDNESDAY, June 8.

*Retrocession of Alexandria.*

Mr. PENNYBACKER presented five memorials of citizens of Alexandria, praying the passage of the bill now before the Senate, for the retrocession of the county of Alexandria to the State of Virginia; which were referred to the Committee for the District of Columbia.

Mr. ARCHER presented four memorials of the same character; which received a similar reference.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 8.

*The Mexican War.*

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. TUNBARR, of Kentucky, in the chair,) and resumed the consideration of the bill from the Senate, supplementary to the act of the 13th May, 1846, providing for the prosecution of the war against Mexico, and of the pending amendments.

Mr. HOLMES said that Government was not a very easy instrument to play upon. Government is complicated in its best estate, and when an exigency arises which calls for the action of this Government out of the common order of events, it requires that each and every part should as far as possible circumscribe its own functions, and act in harmony with every other part. You have, for wise purposes, delegated distinct authority to distinct copartments; and upon the efficiency of these several copartments and the harmony of the whole, must depend the efficiency of your general action. Now, sir, a bill has been sent from the War Department, and received the sanction of the Executive authority. It has gone to another copartment of this Government, and they likewise having considered it well, have matured the bill, and sent it down to us; and at a moment when the spirit of the whole country is aroused; when the eyes of all men are awake to the exigencies of the country; when your volunteers are moving in numbers to the defence of our honor and our soil, you are actually coldly deliberating, and making objection after objection to the only mode by which efficiency can be added to the forces you have authorized to be raised. This bill proposed not an augmentation of the forces—you have



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already done that; it is not an expenditure of money, for with a liberal, if not a profuse hand, you have opened the treasury; but it provides for the appointment of those officers who should organize the *material* and *personnel* which you have already, and to render that mighty struggle which may ensue, and the mighty means at hand, efficient and triumphant. And it does surprise me, I confess it, that gentlemen who profess to be the advocates of the Administration, (and I have made no such pretence and no such proffers,) should stand on this floor and oppose almost the only proposition which has come from the Executive as a consummation of every proposition you have adopted.

What does the bill now before you propose? To give to the army, to add to the forces already existing, two major and four brigadier-generals. For what purpose? For the purpose of rendering that available which you have already voted. You have voted fifty thousand volunteers; you have doubled your army, from seven to fifteen thousand men; you have called into requisition the resources of the country; and now, when a bill is framed by another part of this Government, and adopted under the sanction of the Executive, you are about (or there are indications of it) to deny to him the salutary means of efficiency.

Mr. H. proceeded to notice the objections made to this bill. The first was, that there was no necessity for such addition. That was a question to be ascertained by numbers, by mathematical principles, by the application of known principles. We had now fourteen regiments of troops, amounting, when filled up, to fifteen thousand men; but which, by the by, would make fifteen or sixteen regiments, according to the principles on which regiments were filled. Two regiments constitute a brigade; we, therefore, want seven brigadier-generals; we want five more—the bill proposes four. And for sixteen regiments we want four major-generals—we have now one; the bill proposes to add two, leaving still a deficit of one. Now, the question is, shall we pause to give the requisite officers for the essential forces? Why pause?

But, say some gentlemen, bad appointments may be made. It did not become men intrusted by the people with a co-ordinate function, to be jealous and suspicious of those elevated to distinct functions, the operation of which is essential to our Government; and it little became those who profess to be the party supporting the Administration—on a mere supposition; nay, if they had the certainty that there would be injudicious appointments, to withhold the requisite means of efficiency; because gentlemen had better let errors occur and evils ensue, than that the copartners of the Government not be invested in time of difficulty with adequate means and responsibility. There is a vigor in this construction that would remedy its evils; and the only way by which the whole

force and sanitary power of this construction can be put forth for these great ends, is to let the evils necessarily involved in the operation of this construction as rapidly as possible develop themselves; and the quicker you give the power to develop themselves—even for evil—the quicker you have the power to apply the remedy, before the evils overwhelm you. If the President has, or will hereafter, make injudicious appointments, upon him rests the responsibility; but upon this House and the other rests the responsibility of authorizing the appointment of a sufficient number of officers to lead our army and render it effective.

The objection was urged, on another side, that it would be an increase of expenditures. \$10,000,000 have just been appropriated, and now talk about the expenditure of a few hundred thousand dollars, to render effective and available all that you have already done. But this was an *ad captandum* argument. This saving for the treasury the minimums and expending the maximums was too much practised upon, and was very often the result of these ideas of economy. But Mr. H. said that brevet brigadier-generals receive the pay of brigadier-generals by right, and hence their promotion would in fact involve no additional expense.

Again: it was said that we were putting forth more force than the exigency demands. It becomes a wise people (said Mr. H.) not to circumscribe their vision by the events that immediately surround them, but to consider the relations in which we stand to the State with which we are now in conflict engaged, and to carry their ken onward, and consider the relation in which that Government stands to the other powers of the earth, and our relations with these powers, and so to arrange our system of operations, that let any possible exigency arise, we shall, by the vastness and comprehensiveness of our preparations, have embraced the whole. It was said that we were at war with a weak power; but the power of a nation depends not on the amount of mere physical force they can bring into the field; for the battle is not always to the strong. We had carried the day in one or two engagements by a successful *coup de main*; we had now to prosecute a strategic war; we had to pass over deserts, and through ravines; they will overtop you on their mountain heights; they will meet you in the valleys, and would resort to all the strategy of a guerilla war. Mr. H. further referred to the nature of their country, the comprehensiveness of views, and the sagacity of their statesmen, the fineness of the *personnel* of their army, requiring only to be officered by skilful commanders to make one of the most effective forces in the world—all going to show that Mexico herself was no enemy to be despised and underrated.

Mr. SMITH alluded to, and expressed his dissent from, the proposition to confine these appointments to the line of the army. Under

this, these six brigadier-generals would be confined for selection to fourteen colonels. By turning to the Army Register we find that the youngest of those who entered the service as captains in 1813 would not be much, if any, under the age of sixty. Now he doubted very much whether a man of sixty would be the kind of a man to be selected commander in this Mexican expedition. Some of them entered as colonels as early as 1798. He had no idea of making such a restriction as that; he had no idea but we had got as good generals out of the army as in the army. We had a Colonel Tod, who had done illustrious service. Also a General Call, of Florida, concerning whom he had heard an anecdote, that at the battle of New Orleans, on the 26th of December, when General Jackson met the enemy and gave them as good a fight as the fight of the Palo Alto, this Call was there—he thought as an adjutant. In the night, the section of the army to which he belonged was fired upon from some quarter where it was not expected the British were. They were afraid that there was some mistake, and that their friends were firing upon them, or that they might be firing upon their friends. This Call (he was told) admonished his friends to be quiet for a time; that he would reconnoitre, and see who they were; and he passed out before his own men, and advanced upon the enemy so as to see their uniform by the flash of their guns. A man of that kind was as good as any West Point man in the gallant army on the Rio Grande; a man of that kind would be excluded by an amendment of this kind. We had others known as much to fame. There was Colonel Butler, (from whom Mr. S. heard the anecdote he had just related,) who would not do discredit to the service; and if there was any man calculated to call the generous spirits from the West, and to lead them on to Mexico, he was the man. He had done some acts of bravery which were not inferior to those of any other man. Mr. S. could not go for the first section in its present shape.

But there was another objection to the bill—to its fifth section, and that was that which was made by the gentleman from Kentucky (Mr. G. DAVIS) yesterday. He (Mr. S.) understood from the Constitution of the United States that the officering their own men was given to the respective States. He understood no distinction between volunteers and militia in this respect. But, by this section, quartermasters, commissaries, and surgeons, were to be appointed by the President of the United States. Mr. S. alluded to the obvious reasons for the provision of the constitution—the securing to the militia officers with whom they were acquainted and in whom they had confidence, who (in the language of Scripture) would “feel for their infirmities;” and spoke of the important offices rendered by quartermasters and surgeons to their men; the reasons for the law existing in these cases with equal or greater strength than in others. But it being expressly

reserved to the States by the constitution, it became a question of State rights; hence, he hoped his friend from South Carolina on his left, (Mr. BURT,) and all other gentlemen from that State at least, would go with him in this view.

Mr. S. remarked that he had no wish to detain the committee long, and it was the first time, he believed, in which he had spoken this session. He had thought it probable, in the form in which the bill now was, he should vote against it; and he wished briefly to explain his vote, lest he should be considered opposed to any measures necessary to prosecute the war. When we had men and generals in abundance, however, he did not think it became necessary, or that an ardent supporter of the Administration in this war was compelled to go beyond the necessary means of protecting it.

The ends and objects—the policy of this Government, he repeated, was to prosecute the existing war between this Government and Mexico, which was brought about by the act of Mexico, to a speedy and successful conclusion. And he maintained farther that it was not the object or policy of this country to make a conquest of Mexico, nor to prosecute this war further than to bring the Mexican Republic to honorable terms—to the settlement of all existing difficulties between this country and Mexico, and to give us the Rio Grande—to which we are entitled—as a boundary.

THURSDAY, JUNE 4.

*The Mexican War.*

The House resumed the consideration of the bill entitled, “An act supplemental to an act entitled, ‘An act providing for the prosecution of the existing war between the United States and the Republic of Mexico, and for other purposes.’”

The question was then taken on striking out “two major-generals,” and inserting “one major-general;” and resulted as follows—yeas 106, nays 65.

So the amendment was concurred in.

On concurring in the second division, striking out “four,” and inserting “two brigadier-generals,”

Mr. JACOB THOMPSON asked the yeas and nays, which were ordered; and being taken, resulted as follows—yeas 108, nays 68.

So the amendment was concurred in.

And having been read a third time by its title,

And the question being, “Shall this bill pass?”

Mr. TOOMBS asked the yeas and nays on the passage of the bill; which were ordered, and being taken, resulted as follows:

YEAS.—Messrs. John Quincy Adams, Stephen Adams, Barringer, Benton, Biggs, James Black, Bowlin, Boyd, Brinkerhoff, Brockenbrough, Broadhead, William G. Brown, Burt, Cathcart, John G.

[Mr. Sum.]

*Mineral Lands.*

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Chapman, Augustus A. Chapman, Reuben Chapman, Chase, Clarke, Cobb, Collin, Constable, Cullom, Cunningham, Dargan, Darragh, Jefferson Davis, De Mott, Dillingham, Dobbin, Douglas, Dromgoole, Dunlap, Ellsworth, Erdman, Faran, Ficklin, Foster, Fries, Garvin, Gentry, Giles, Gordon, Graham, Grover, Hamlin, Haralson, Harmanson, Hoge, Isaac E. Holmes, Hopkins, Hough, George S. Houston, Edmund W. Hubbard, Hungerford, Hunter, C. J. Ingersoll, Joseph R. Ingersoll, Jenkins, James H. Johnson, Andrew Johnson, George W. Jones, Kaufman, Kennedy, Leake, Leib, La Sere, Ligon, Long, Lumpkin, McClean, McClelland, McClelland, McConnell, McCrate, Joseph J. McDowell, James McDowell, McKay, John P. Martin, Barkley Martin, Morris, Moulton, Owen, Pariah, Payne, Perrill, Perry, Phelps, Pollock, Reid, Relfe, Rhett, Ritter, Roberts, Root, Sawtelle, Sawyer, Scammon, Leonard H. Sims, Simpson, Thomas Smith, Robert Smith, Stanton, Starkweather, St. John, Strong, Thibodeaux, Thomasson, James Thompson, Jacob Thompson, Thurman, Towns, Tredway, Wentworth, Wick, Williams, Wood, Woodward, Woodworth, and Yost.—120.

*Yates.*—Messrs. Abbott, Ashmun, Bell, Blanchard, Milton Brown, Buffington, William W. Campbell, Chipman, Cocke, Collamer, Cranston, Crozier, Culver, Garrett Davis, John H. Ewing, Foot, Giddings, Grider, Grinnell, Hampton, Harper, Herrick, Hillard, Samuel D. Hubbard, Hudson, Washington Hunt, Daniel P. King, Lewis, McGaughey, McHenry, McIlvaine, Marsh, Moseley, Pendleton, Julius Rockwell, John A. Rockwell, Runk, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Caleb B. Smith, Stephens, Strohm, Benjamin Thompson, Tilden, Toombs, Trumbo, Vance, Vinton, and Young.—52.

So the bill was passed.

#### *Mineral Lands.*

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. McCLELLAND of Michigan in the chair,) and resumed the consideration of the bill directing the President to cause the mineral lands in the States of Illinois and Arkansas, and in the Territories of Wisconsin and Iowa, to be exposed to sale; and of the amendments thereto pending.

Mr. Dodge said he had a few facts which he wished to submit to the House before the vote was taken. He felt a deep interest in the passage of the bill for the sale of the mineral lands so called. It was a measure for the passage of which a large portion of those whom he represented had been anxiously looking for the last six or eight years. He would appeal to members, and ask them if, in disposing of the public lands, they would discriminate between the States and Territories? If they adopted the amendment of the gentleman from New York, (Mr. RATHBUN,) which provided a minimum of five dollars, they would do so.

The mines of Missouri had been worked since 1723, having been opened at that time, as was stated by the gentleman from Illinois, (Mr. McCLELLAND,) by Renaut for the Royal India Company. They became ours by the acquisition of Louisiana in 1803, from which time up

to 1829, covering a space of twenty-six years, this same penny wise and pound foolish policy of leasing them was observed. During seven-teen years of territorial dependence and nine of State sovereignty, and against the solemn and urgent appeals of her representatives, and in utter disregard of the interests of her people, the Government of the United States continued to withhold the Missouri mines from sale under the ridiculous and absurd idea of obtaining an increased price for the lands containing those mines. And what was the result, when, in 1830 and 1836, these lands were offered for sale under proclamation of President Jackson? Mr. D. held in his hand a letter from the commissioner which furnished the answer. There were 592,726 89-100 acres of land offered at the land offices at St. Louis and Jackson, offered at public sale or outcry, after having been advertised for six months, as well in the Atlantic city papers as in those of the western country; and less than 8,000 acres were sold, bringing but a little upwards of nine thousand dollars, and averaging just \$1 88½ per acre. But gentlemen might think that perhaps the people of that State had combined to prevent bidding at those sales. Such was not the fact, and he would prove it. If combinations are ever formed to prevent bidding on or buying the public lands, those combinations, from the nature of things, could only exist during the public sales. And in the case of the Missouri mines, he had gone to the trouble of getting a statement from the General Land Office, which shows that in the whole of the years subsequent to the public sales, there were entered at private entry but 13,271 92-100 acres at \$1 25 per acre. This statement demonstrates the fact that the value placed upon mineral lands is entirely incorrect; that they are by no means as valuable as agricultural lands. Contrast this offer to sell more than a half million acres of mineral lands, which had been reserved and worked by our Government for upwards of a quarter of a century, and for about a century before by the French and Spanish Governments, with a sale that had taken place in the Platte district, so called, in the same State. In this latter district there had never been a pound of mineral discovered; and yet from a statement which I hold in my hand from the General Land Office, it is shown that within one year after the lands were proclaimed to be sold, 407,576 06-100 acres were bought, bringing into the treasury upwards of half a million of dollars. These statements were official, and their truth beyond question. But gentlemen may think that the mines of Illinois, Wisconsin, and Iowa, are more valuable than those of Missouri were. Such was not the fact. He spoke of the *mines*; and would give some of the reasons upon which he based his assertion. The Missouri mines are 500 miles nearer to market than those of Iowa, Wisconsin, and Illinois. The cost of transportation was therefore much greater from the latter than the former. This cost was greatly

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enhanced, because of the obstructions which the "rapids" interpose to the navigation of the Upper Mississippi, and by the shorter period of navigation, by reason of the low water in the summer, and the closing of the river by ice in the winter, reducing the whole duration of safe annual navigation over the rapids to about six months. In Missouri, timber, an essential ingredient in the manufacture of lead, was much more abundant, the climate milder, and navigation unobstructed during the greater part of the season—advantages which all, who know any thing of the working of mines, cannot but see are very great.

The Government of the United States, (said Mr. D.,) according to the official statement from the Commissioner of the General Land Office, have reserved and withheld from sale in the State of Illinois, on account of its supposed lead mineral character, 242,409 acres of land; in Wisconsin 242,880 acres; and in Iowa, 285,186 acres; making in the total 770,415 acres; an area, in superficial extent, greater than that embraced by the State of Rhode Island, by 2,415 acres; a State having two Representatives on this floor, and two in the other wing of this Capitol. And upon this vast extent of country there are estimated to be at this time thirty or forty thousand inhabitants, with a voting population of ten or twelve thousand; and, with the exception of two or three town sites, and a few other tracts of land that have been sold, there are no freeholders within the districts: and the people residing within those districts might truly be said to be tenants at will of this Government. Could any American legislator contemplate the situation of things existing in that rich and desirable region of country without regret, and without admitting that it is contrary to the spirit and genius of our institutions?

Mr. D. said that gentlemen placed entirely an overestimate upon the value of those mineral lands. And if they were valuable, they should remember that it was the miner that had made them so. It was by his skill, his enterprise, and his labor, that these mines had been opened. In looking at the public documents that Congress had published in reference to the Missouri mines, he had discovered amongst them a letter from Judge John Rice Jones, written at the request of the Commissioner of the General Land Office, in November, 1816. Judge Jones was a gentleman of extensive information and most accurate observation, and what he said of the manner in which those mines were discovered was so much to the point, and so well expressed, that Mr. D. said he would read a short extract from his letter for the information of the House. Judge Jones says:

"All, or at least most of the mines now known, were discovered by private individuals, at a great expense and fatigue, in nearly the following manner: A man, and sometimes a company of men, in partnership, went into the woods, and, having fixed on a spot which, in their opinion, might contain

mineral, dug a number of pits and holes of greater or less depth, according to circumstances. Sometimes, but seldom on the first trial, he succeeded: if not, he tried other spots again and again, with as better success, until at last he abandoned the project in despair, or for the want of funds: and numbers of instances have occurred when a whole summer's work has been employed without being able to make a discovery of mineral. In fact, not one in fifty has succeeded. When fortunate enough to do so, it was the invariable practice of the Spanish Government to compensate him by the grant of part (four arpens) of the land, including his discovery."

Mr. D. said that no grants, no bounties, were conferred by the bill now under consideration. It was carefully drawn, and was almost an exact copy of the Missouri law. He hoped that it would pass, and that the miners and farmers would have an opportunity to purchase, and to become the owners of the lands upon which they have made their locations.

IN SENATE.

MONDAY, JUNE 8.

*Independent Treasury Bill.*

Mr. LEWIS, from the Committee on Finance, reported back the independent treasury bill, with sundry amendments.

[The amendments are numerous, and could not be very well understood by the reader unless given in connection with the original bill. The specie clause is not to take effect until the 1st January, 1847, and another allows all disbursing officers having at present credits in banks, to check on the same until the 1st of January next, giving the public creditors the option to receive the pay from the banks in specie or notes.]

TUESDAY, JUNE 9.

*Post Office Appropriations.*

The Senate resumed the consideration of the bill making appropriations for the service of the Post Office Department, for the year ending June 30, 1847, when

Mr. NILES withdrew the amendment submitted by him a day or two ago, appropriating \$25,000 for steam mail service to Liverpool, England, and submitted the following:

"And the Postmaster General is hereby authorized to apply twenty-five thousand dollars of the money appropriated for mail transportation for a line of mail steamers from the United States to Bremen, and a further sum of twenty-five thousand dollars for a line of mail steamers from the United States to Liverpool, in England; but no further sums shall be directed to any other objects than the transportation of the mail within the United States."

Mr. N. then said that he would request the attention of the Senate to a few remarks which he had to offer in explanation of the amendment.

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Mr. DAVIS requested the honorable Senator to state the general terms of the contract.

Mr. NILES replied, that by the terms of the Bremen contract, twenty trips were to be made annually to that port, touching at Cowes, at \$350,000 per annum for a term of four years. The contractors were to furnish four steamships, each of a tonnage of fifteen hundred tons. The contract, in contemplation for the conveyance of the mails to Liverpool, embraced five steamships, making the same number of trips as to Bremen, each ship to be of two thousand tons or upwards. The Senate would understand that these contracts depended on the action of Congress, and that the appropriation was intended essentially, if not entirely, for the purpose of giving the sanction of Congress to the contracts, as the money would not, in all probability, be wanted till next year. The Postmaster General considered this of great importance, and was not disposed to proceed further without having thus received the sanction of Congress. Altogether independent of its bearing on the general interests of the country, the project was of great importance viewed as an indirect means of securing to the Government in time of war the use of a steam navy. If any thing was to be done, he was satisfied that action must be immediate. The Cunard line was about to be duplicated, the trips to be made alternately from New York and Boston. That addition would, however, probably depend upon the fact whether the American line were established or not. It would appear to be somewhat uncertain whether the Cunard company would proceed in duplicating their line in case of the establishment of the line now contemplated by the Postmaster General. He had a word or two to say with regard to the importance of this line; and he hoped that he would receive a little more attention from the Senate than he had been so fortunate as to meet when he addressed it on the same subject the other day. In a commercial point of view the line to Bremen was not, perhaps, so important as the other; but there were connected with it numerous political advantages. To the people of Germany and Prussia the enterprise was one of great importance. The Prussian minister took a deep interest in it, and a special agent had been sent from Bremen for the express purpose of aiding in the completion of this work of commencing a direct communication between the United States and the German States, which would so materially enlarge the commercial and political intercourse, and extend the relations of both countries. Bremen was rapidly increasing in commercial importance. Its commerce had doubled within the last year. It was the terminus of many railroads which extended to various parts of Germany; and it was supposed that the business intercourse of a large portion of Germany and Prussia, embracing a population of forty or fifty millions, with this country, would centre at that point. That would of course make Bre-

men the great mart in which the staples of this country would be exchanged.

With regard to the other route, every one was aware that the trade of the United States with the port of Liverpool was very great, and the course of that trade would be accommodated a good deal to this line of steamers. The most valuable merchandise was now transported by these steamers, and the whole benefit of the transportation accrued to Great Britain. There was an urgent necessity for some legislation on that subject, and he had had the honor of reporting a bill to meet that desideratum. Letters sent by these steamers were subject to a postage of twenty-five cents, and all letters conveyed in private ships were subject to a ship postage of six cents. The United States received nothing of that postage. They had no law for taking any postage on letters going to Europe or coming hither from Europe in private ships. In addition to all that, it was to be borne in mind that the United States were thus maintaining, by their money, ships which in time of war would be turned against them. They were public ships, at least they were designed to become such at any time when it was deemed necessary. They were under contract to be taken into the public service when occasion required. And it was, therefore, intended that the ships to be employed by the United States in conveying the mail to Europe should be liable at any time to be taken into the public service at the valuation of three competent appraisers. Whether they viewed this matter, therefore, with reference to the various matters connected with it in time of peace, or as connected with the defence of the country, it appeared to him that by delay they not only abandoned a profitable enterprise to a rival people, and neglected to avail themselves of a useful means of defence, but actually maintained that which was at any time liable to be turned against them. In every view of the subject, it was one of the highest importance. The danger of delay was manifest. If the ground was not speedily occupied, it was probable that very soon it would be impossible for them to enter upon it with hope of success. He therefore hoped that the sanction of Congress would be given to this project. He had stated the other day that it was the opinion of one of the contractors, Mr. Collins, of New York, a gentleman of great experience and intelligence, that the cost of constructing one of these steamships would not exceed the sum of \$500,000, whereas those built by the Government, and less serviceable, cost \$750,000. It was also estimated that the annual expense of keeping up a steamer of this magnitude would be about \$70,000—making an aggregate of \$350,000 for the five steamers, which it was proposed to employ—about the sum designated for this service. So that these steamships would be undoubtedly much cheaper than if the Government undertook to construct them, even supposing that there was no return for

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the service. But he had no doubt that when the system was once in operation it would be found to be attended by no expense whatever—that the revenue would meet all the expenditure. That was his opinion, formed after the best consideration which he had been able to give the subject.

Mr. ALLEN then rose and said, that sensible of the importance of this subject, he had turned it over in his mind with some care. As they were now at the starting-point of a system, the end of which no one could foresee, he thought that it was very proper that they should examine the ground with no little caution. It was proposed to carry the United States mail between New York and Liverpool. He had yet to learn that there was any United States mail between New York and Liverpool to be carried. He knew of no such thing in existence as a United States mail between Liverpool and New York, New York and Liverpool, or between any other ports. The foundation upon which this new system was based, was that of creating quietly, and under the general power to regulate the post office, a steam navy, with a view to the defence of the country, by patronizing particular companies of men in the construction and navigation of steamboats. Let them look at this project a little more closely. In order to be profitable, it would be necessary to remove competition. Was it likely to effect that? Our inland mail transportation is a monopoly. Yet we are likely soon to have the post office expenditure saddled on the general treasury. It was, then, absurd to suppose that in the ocean they could carry on the business profitably. The honorable gentleman then went on to argue against the injustice of endowing a line from New York to the exclusion of other ports. Boston, Philadelphia, Charleston, New Orleans, and all the chief cities on the coast would be petitioning for the establishment of mail lines to Europe. And then, again, looking at the other end of the line, Liverpool would not satisfy the merchants. They would demand a line to the East Indies, to Buenos Ayres, and so on. It was unjust to those of our citizens in the interior, to turn a deaf ear to their calls for additional post offices, and bestow this immense patronage on lines to Europe. The farmer had often fifteen or twenty miles to travel to the nearest post office, thus losing a day's work. Why not establish post offices for the accommodation of their people in the interior? Besides, he was opposed to the Government engaging in joint-stock concerns, which had already inflicted such evil on the country. He wished to keep this Government clear of all manner of connection with human combinations—especially moneyed combinations. The example of Great Britain had been pointed to. That was one reason why he would avoid the project. Mr. A. proceeded at some length, and with much vehemence, to oppose the whole project of establishing the

proposed steam communication with Great Britain for the conveyance of the mails.

Mr. DAYTON had only a few words to say; and although not affecting a full knowledge of all the details, yet he could correct certain errors in point of fact of the Senator from Ohio. The matter did not appear to him (Mr. D.) to call for great excitement. It was a simple matter of business. The Senator had said he did not know of any law recognizing a United States mail to Liverpool. If that meant any thing, it meant that the Government had no right to send a United States mail to Liverpool. It was too late to make such an objection. By the act of March, 1845, the Postmaster General was authorized to contract for sending the mail to Liverpool. But the Senator said it was giving bounties to companies to override the energies of individuals. That was talking without the book. Did the Senator forget that this very contract was made with an individual by public advertisement? But they were told that they were about to give bounties to enable companies to compete with the British line. Again: the Senator was talking without the book. Had he forgot that the postage was now enormous? And yet he talked of the "cheaper postage" of the British lines! Instead of increasing, they would diminish the postage to which American citizens were now subjected. Great Britain got about forty cents on every letter sent to this country, and the United States got nothing. That was what the Senator in his loose language called the cheaper postage of the British lines. The Senator spoke of a joint-stock partnership. How? Did it arise from the permission to take, if we wished, the steamer at a valuation? That was altogether optional. The Senator had been altogether mistaken as to the matters of fact. Mr. D. then went on to describe the contract of the Government with Mr. Mills, for the purpose of refuting the allegation of the Senator from Ohio, that the contract was equivalent to a joint-stock partnership. He then spoke of the vast advantages which would accrue from the establishment of the proposed line of steamers. It was idle to say that this and that point would need the same accommodation. The line united two important points in the two continents, from which the mail would be distributed in the most extensive manner possible, not merely as a matter of post office revenue, but in view of the great and obvious commercial advantages which would flow from it. The proposed measure was one pre-eminently worthy of the favorable action of Congress.

Mr. HUNTINGTON remarked that the amendment had a double aspect. Under existing laws, it might be doubtful whether Congress had the power of controlling the Postmaster General in the contract for the conveyance of the mails to Bremen. Not a word was said in the law about submitting the contract to Con-

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gress for its approbation. He had made the contract as authorized. Though he (Mr. H.) thought the line to Bremen would be a failure, yet he was for carrying it into effect, if the contract was obligatory, having been fairly made. He would not hesitate in authorizing it by making the appropriation. He hoped the time would never come when the United States would refuse to fulfil its contracts. Whatever individuals and States might do, he trusted that the faith of the nation itself would never be disgraced and broken by a refusal to comply with the obligations of a contract. He wished the subject brought fully before the attention of Congress in that aspect, particularly. He thought that the line to stand was that between the two great commercial emporiums of the world—New York and Liverpool. He was opposed to the line to Bremen, on the ground that it would be attended with sundry disadvantages, which he pointed out. To the Cunard line they were paying the enormous tax of from a million and a half to a million and a quarter of dollars annually in postage and freight. That line had made money, and had prospered so greatly that a duplication of the steamers was contemplated. Not only as a matter of expediency, but of profit, the establishment of the proposed line was demanded. He made these remarks with a view of discovering whether they would establish two lines or one.

Mr. Dix said he was unwilling to trespass on the attention of the Senate, and yet he could not consent to have the question taken without making a few remarks. The policy of contracting for the transportation of the mail to foreign countries, under the direction of the Post Office Department, was established by the act of the 3d of March last. He should take that act for his starting-point. He would not go beyond it for the examination of any question of power. It authorized the Postmaster General to contract for the transportation of the United States mail between any of our ports and a port or ports of a foreign power, whenever, in his opinion, the public interest would be promoted. All such contracts were to be made with citizens of the United States, and the mail to be transported in American vessels, by American citizens. The act also contained a provision, by which the Postmaster General, or Congress, were at liberty at any time to discontinue or terminate any line which might be established. Under this act the Postmaster General issued his advertisement for proposals for carrying the mails on various routes.

Here Mr. D. read from a report of that officer, stating that, though authority was given to make private contracts, it had been thought best to adopt the usual mode, by public notice. Under the advertisement a variety of propositions had been received, and one, made by Mr. Edward Mills, of New York, had been accepted. Mr. Mills proposed to run a line of steamers from New York to Bremen twice a month,

touching at Cowes, with the privilege of going alternately to Havre. If the line was run regularly to Bremen, Mr. Mills was to receive \$400,000 per annum for conveying the mails; if alternately to Havre, \$350,000; and it was understood, if the arrangements should be concluded, the alternative would be adopted. After the time limited by the advertisement for receiving bids or proposals, Mr. Edward K. Collins made a proposition to run a line from New York to Liverpool. Mr. D. here referred to the Postmaster General's report, and read Mr. Collins's propositions, as well as a recommendation from that officer to Congress in favor of it. Mr. Collins proposed to run his vessels, which were to be of 2,000 tons burden, with engines of 1,000 horse power, to Liverpool, twice a month for eight months, and once a month for the other four, for \$385,000. Mr. Collins was one of the most active and intelligent merchants in New York; he was a man of large capital; he possessed, in an eminent degree, the confidence of the commercial community; and whatever he undertook would be executed. Mr. D. said he would now look at the respective advantages of these two routes, for the purpose of seeing what probability there was that the Government would be remunerated for the money to be paid in the performance of this mail service. Bremen-Haven was at the mouth of the Weser, which furnished an access into the heart of northern Germany. It was the chief outlet for the maritime commercial communications of the Zoll Verein States. The vessels on this line would touch at Cowes, carrying letters as well as passengers to England. They would go alternately to Havre, carrying letters and passengers to the continent. So far as passengers were concerned, the Government had no interest in the matter.

There were considerations connected with the public defence which he would not overlook. The Government had reserved, by the act of the 3d March, the right to take the vessels on these lines at an appraisement, if it should want them for war purposes. Great Britain covered the ocean with war-steamers, constructed and supported at her own expense. She had arrangements with companies for carrying her mails, putting afloat others which she could command in case of war. France had also a large number of steamers. She had some, he knew, in the Mediterranean—war-steamers of the first class, constructed and supported by the Government, but carrying the mails, and even carrying passengers to repay her the expense of keeping them afloat. We proposed, by paying for mail service to be performed, to offer an inducement to individuals to build steamers at their own expense, which might become war-steamers. They might be regarded as a substitute for public armed vessels. We might thus have a steam navy prepared for us, in case of emergency. We should save the outlay for construction, save the an-

nual interest on the outlay; save the annual expense of maintaining them; and save the gradual decay and loss of the principal. The cost of these vessels built by individuals would be about two-thirds the cost of those built by the Government, though equally good, (such was the difference between public and private economy;) and if we should take them, we should save this difference in the cost.

Under the appropriation now to be made there would be no immediate expenditure. The appropriation was asked to sanction the arrangement. Time would be required to build these vessels. And the Government would pay nothing until the mail service had been actually performed.

Mr. BENTON remarked that it was not at all a new thing to hear of splendid projects by which the Federal Government was to be made rich. When he came there, there was a project for filling the coffers of the Government by boiling salt-water. Then there was the scheme of raising live-oak in Florida; and he recollected making a calculation at the time, that for every foot of live-oak they put into their ships, they would pay out a cubit foot of silver or gold—he did not recollect which, nor did he care which—he would stick to the gold. Now they were to get rich by copper mines. When the morus multicaulis fever raged, he expected every day to see a project announced by which the Government would be enriched by the morus multicaulis scheme. But it died away. Now they were to get rich by carrying letters. Already they were bankrupt by carrying letters at home; but the carrying of letters to Europe was to enrich them beyond all calculation. Certainly it was one of the duties of the Federal Government to carry letters at home; but it had been a money-losing and not a money-making business. The wise men who established the Government never entertained the morus multicaulis idea of making money by carrying letters. He wished it to be remembered, that on that day he gave it as his opinion that this project would turn out to be a morus multicaulis business.

But they were thus to supply themselves with ships of war! Well, in other days, men had come there with heads on their shoulders, and after some reflection, had set about the establishment of navy-yards, with proper workmen, and all necessary arrangements were made for procuring and preparing the timber and other materials for constructing ships of war. But now, all of a sudden, that system was to be superseded by a scheme of getting the ships built by a kind of partnership. It reminded him very much of the memorable business transaction of Moses in the Vicar of Wakefield. Blind, spavined, and wind-broken, they were to buy the horse at an appraisal; and they were to do all this because, forsooth, Great Britain had done so! Great Britain ran a line—where? To Halifax. For what purpose? To communicate with the Canadian posses-

sions. And so it was with her steam line to the West Indies. She went to her own dominions, continental and insular, which she meant to retain. There was no question as to the British policy. But there was no analogy between her policy and that now contemplated by this project. The whole thing was absurd. As well might it be contended that this nation should be involved in a debt of nine hundred millions sterling, because the national debt of Great Britain amounted to that sum, as proposed to establish steam lines, because Great Britain had done so. We had heard of many wild projects—this was one of the wildest. The Government was committed to nothing in this matter; and if it were, he would violate the obligation at all hazards, rather than embark in such an enterprise. He had spoken on two or three occasions during the session, because he could not help it. He now spoke willingly, because he wished to express his entire disapprobation of this whole scheme.

Mr. DAVIS thought that the views of the Senator from Missouri just expressed, were not as liberal as those which were usually presented by him. He (Mr. D.) considered it an open question. It was not a fair view to represent this as a speculation for making money by conveying letters. That was not the object of the policy. The object was to afford additional means of commercial intercourse. Who did not acknowledge the great advantages now flowing from the speed and regularity of the steam navigation of the Atlantic? During the last four years, the arrivals of the steamers at the port of Boston in the month of May, had not varied twelve hours. Great Britain received more than the bonus of ninety thousand pounds annually, which she paid to the steam lines.

Here a motion was made to adjourn, as it was now late in the afternoon.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, JUNE 16.

*The Oregon Treaty.*

Mr. JOSEPH J. McDOWELL rose and moved that the rules of the House be suspended, to enable him to introduce the following resolutions, which were read for information:

Whereas the people are the only legitimate sovereigns in this Republic, and are of right the arbiters of all questions relating to the annexation of foreign territory or States to the same, and of ceding their territory, and transferring American citizens with it to any foreign power: and whereas no measure involving either can be constitutionally acted on by less than the whole legislative power of the Government; and under their instructions, and with their consent; and whereas it is believed and understood that the British Government, under the false pretence of a claim to a portion of our territory west of the Rocky Mountains, denominated Oregon Territory, to the whole of which, to the parallel of latitude 54° 40' our title is clear and unquestionable, and superior to all other title, or pretence of title,



[Mr. Sims.]

*The Tariff.*

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has, it is believed, within a few days past, submitted to the President, and through him to the Senate, a proposition to compromise what she insists to be the difficulty that exists between herself and this Government, by which she proposes to accept nearly one half of said territory to preserve the peace of the two Governments, and compensate her for claims that have no foundation in fact: and whereas it is believed the Senate has been in secret session upon the same, and recommended and advised the President to accept the same, and embody it in the form of a treaty, to be signed by the proper officers of the two Governments, and transmitted to them for ratification: and whereas it is believed that it is one of the questions that require the sanction of the people, and the action of the whole legislative power of the Government, and cannot be constitutionally adjusted and settled by the treaty-making power: and whereas an attempt thus secretly to adjust the matter, when the people and their immediate representatives are ignorant of said proposition, would be doing violence to the constitution and the rights of the people, and, if consummated, of no obligatory force upon them: Be it therefore

*Resolved*, That in the opinion of this House it is the duty of the President and Senate to postpone further consideration and action upon the same, and submit it to the people for their decision and instruction.

*Resolved further*, That if the treaty-making power, in secret conclave, attempt to settle a question of the magnitude and importance of the Oregon question, it will furnish another example of Senatorial and Executive supremacy that is incompatible with the constitution and the rights of the people, and will call for a prompt corrective, to place the rights, honor, and welfare of the country in the keeping of those who will best preserve and appreciate them.

*Resolved*, That the object and purpose of those who desire the preservation of the liberty, honor, and true interests of this Republic are best attested by open, manly action upon them, that needs no midnight veil to hide them from the public view and scrutiny, and that past experience attests that any other course but serves to steal the power of the many to that of the few, and thus enables one department of this Government to enlarge its circle of action, and draw within its sphere from the others all that is necessary to make it supreme.

Mr. G. W. JONES moved that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. McDOWELL asked the yeas and nays on his motion: which were ordered, as follows—yeas 35, nays 116.

So the rules were *not* suspended, and the joint resolution was *not* introduced.

THURSDAY, June 18.

*The Tariff.*

On motion of Mr. DROMGOOLE, submitted by him in the temporary absence (he said) of the chairman of the Committee of Ways and Means, (Mr. McKAY,) the House resolved itself into Committee of the Whole on the state of

the Union, (Mr. COBB, of Georgia, in the chair,) and resumed the consideration of the bill reducing the duty on imports, and for other purposes.

The pending question was on the substitute presented by Mr. HUNGERFORD.

Mr. SEABORN JONES. This is a bill—or will be, with the amendments which the Committee of Ways and Means propose to offer—for the purpose of carrying on vigorously, and to a speedy and successful result, the war with Mexico. Owing to the fact that the estimates have not been placed before the Committee of Ways and Means, our committee are not prepared to make a report this morning of these amendments; but they will be mainly those recommended by the Secretary of the Treasury in his recent communication to the Senate. I have memoranda before me of the alterations suggested by him; it is unnecessary to go over them now; suffice it to say that the increase of duties is generally limited to articles in the lower schedules. There are a few articles in the schedule of 80 per cent., on which the duty is raised.

The question we have before us is, whether we will pass a new law, and so modify the tariff of 1842, as to produce the greatest amount of revenue; or whether we will determine to reject all modifications, and leave the law of 1842 as it now stands, with all its protective and prohibitory features, now that we are in a situation which requires all the revenue that can be produced by any bill for the purpose of defraying the expenses of the war, in addition to the ordinary expenses of government? I ask my friends on this floor to recollect the circumstances under which the law of 1842 passed; and particularly I call attention to the position which two leading Democrats (Messrs. Wright and Buchanan) took with reference to it—to the motives which urged them to the support of the bill as a temporary measure, with the avowal that they intended to take the first opportunity to alter a bill which has so many odious, detestable features in it; and I ask those gentlemen who are friends of Messrs. Wright and Buchanan on this floor, to carry out the pledges which those gentlemen made, and to avail themselves particularly of this opportunity, for the purpose of modifying a bill containing provisions objectionable in themselves, injurious to many interests of the country, and acceptable to none. It is said that a tree is known by its fruits; and if it do not produce fruit now, we cannot rely upon its bearing fruit at any time. I will not say, in the language of our Saviour, "Cut it down; why cumbereth it the ground?"

I will also call on the friends of this Administration generally, under the pledges made at the Baltimore convention. We have heard much of these pledges here on other questions; and I hope those who have presented these pledges upon other questions will not forget them now. I hope, sir, if they have not been faithful in all

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things, they will at least be faithful in this, and will redeem the pledge of reducing the tariff of 1842 to a revenue standard, so that more revenue—the greatest amount of revenue—may be raised from it. The tariff which we propose to establish should not be a tariff for protection. I am aware the bill presented by the Committee of Ways and Means is not entirely free from some objections of that sort. I think, myself, that some articles are too highly taxed, and that there is a little too much protection under it; but I believe, under the circumstances, too violent a modification would not answer even under a peace establishment, and, therefore, for the purpose of bringing the duties down to a pure revenue standard, we ought to do it by degrees; and though it does not in all its provisions come down to the standard of revenue, it does in its main features, and as far as the committee was induced to think it would go at present. A tariff for protection at this time, above all others, would be extremely improper. We want revenue, and protection conflicts with revenue; protection operates partially as prohibition, else there is no need for it; and I call on the friends of tariff here—upon those gentlemen who were the aiders and abettors in getting up the “national exhibition” which we have recently had in this city—to know if they do not believe that the American manufacturer is able to compete with any manufacturer in the world? That they can make as good articles and as cheap as can be made anywhere? And I ask them if they are prepared to carry out the declaration they sometimes jocularly make, that they do not longer desire protection, but they desire a market. If they can make as cheap and as good articles as any manufacturer in the world, as they say they can—if they can compete successfully with others, both at home and abroad, they do not want protection. If they desire only a market, the duties must amount to prohibition; if they amount to prohibition, we can have no revenue, and must resort to other means for supplies to carry on the Government and the war.

Sir, the example of Sir Robert Peel in the modification of the corn-laws ought to speak in language stronger than any argument I can use. We copied this system of protection from England; England has found it ruinous to her people of every class; she in her wisdom has abandoned it; and are we in our folly still to cling to it? Sir Robert Peel was formerly a tory; he was brought into power by the tory interest—by the landholders, to protect their interests. With a noble magnanimity he preferred the interests of the country to those of a class; he has abandoned the interests of the land proprietors and espoused the cause and the interests of the country. Would to God there were some Sir Robert Peels in an American Congress, who would abandon the interests of a class, and take the interests of the country for their guide.

But I would appeal (said Mr. J.) not only to love of country—to the magnanimity of this House—but I will go lower, and appeal to the interests of the constituents of gentlemen, which it is their bounden duty to protect. Whence are we to derive the great benefit contemplated by the repeal of the corn-laws? From the influence it will have on the grain-growing States, enabling them to export their grain and sell it in the markets of England. Can you expect that England will give you a market for your grain without you will take in return her products? Can you expect she will furnish a market and prefer the productions of the United States in her market, when all the pay for those productions is to be in specie—when it will operate as a constant drain of specie from her? It would be like the tide of the Pontic Sea, that knows no ebb, but flows continually and eternally one way. It must be well known to every gentleman here, that when there is a scarcity of the grain crop in England, and they are compelled to resort to the continent, there is a tightness in the money market in that kingdom; and we cannot expect that England will furnish us a market for our grain, when we will furnish no market for her productions. Now, if we open a market to her productions, to her manufactures, will she not prefer to trade with the United States? Does not every man know that no nation can live under a trade where they receive the productions of others, and pay out specie for them continually? I call upon the members from the grain-growing States to place this tariff on a revenue basis, and then they may expect, while we are furnishing a market for English manufactures, she will furnish a market for their productions in return.

But I say that in this question, at this time, the interests of the eastern section of the United States, of the southern section of the United States, and of the western section of the United States, (leaving out the middle part of the United States,) are united and promoted in having a tariff based on revenue principles. The eastern section have this interest; their manufactures are carried to such an extent now—to such skill and perfection, both in men and machinery—that they can compete with the manufactures of Europe. Those States which have not heretofore gone into manufacturing, owing to a protective tariff, are now going into it. The eastern section need have no fear of competition from Europe, if she can produce the article as cheap and as good; all she has to fear is from the manufactures at home, brought into existence by this hot-bed system of protection.

Protection operates as a hot-bed in bringing forth exotics which the soil and climate would not naturally produce; and we find many manufacturing establishments springing up now in different sections of the country. Why? Because they find that from the oppression of agriculture and the elevation of manufactures

[Mr. Bess.]

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under the present tariff system, they can make more in this way than by agriculture; and it is for the interest of the East to keep down this competition. I have been told by gentlemen on this floor, and others, who came here to instruct the Committee of Ways and Means *how to make a revenue tariff*, if they make less by agriculture, let them go into manufactures. Where would they find their market, if the whole country were to become a manufacturing district like Lowell? No; it is a variety of pursuits, of industry, of climate, which is to make us a united people—each portion supplying the other with what they do not produce. Let the thickly-settled portions attend to manufactures; while the grain, tobacco, and the various other productions of the middle and southern States—including the great staple of cotton—are all needed. By dividing our attention in this manner, we all assist each other; all become equally essential to each other; and if equal protection is afforded to all, there will be no difficulty. The manufacturing interests, I believe it will not be controverted by those who have them especially under their charge, need no protection on coarse cottons. They say they are now able to undersell the markets of Europe—they can make them of better quality, and cheaper. Then, in kindness to their southern brethren, take off the tariff. Why, in the name of God, will you keep your iron heel upon us, when it does you no good? Why will you continue to trample us in the dust, when you receive no further benefit from it? Oh! no; in kindness to us take off the tariff. You can undersell the world, and need no protection.

It is for the interest of the East, West, and South, that we should lay low duties on wool, raw hides, flax, and hemp unmanufactured, flaxseed, dye-stuffs, and mordants used in manufactures. It is the interest of the East to enable them to manufacture more cheaply; it is the interest of the South and West, who are consumers, that they should obtain those manufactures most cheaply. It is the interest of those States where these articles are produced, to lay high duties, that protection may be afforded them, and they may obtain higher prices for those articles.

We are told that the bill is objectionable because it has ad valorem duties. Surely it is the fairest mode of taxation; and they should be made as nearly equal as possible. Besides, it is an honest and open mode of taxation. When you put an ad valorem duty on an article, every man of ordinary sense can know at once at what expense additional he enjoys the luxury of the use of the article; and for the purpose of defraying the necessary expenses of Government, he would be free to add so much to the price of the article. There is no one in my section of the country but is willing to contribute his just share to the expenses of the Government. We have never refused, and never will refuse, to pay duties to the Government for its support, whether in war or in peace; but espe-

cially, whatever might be our objection to taxing in time of peace, let war come, the purses of our people are thrown open; they are ready to empty them in the support of their country's rights and honor, and to shed their blood like water also. Look to the movements of the whole South; Whigs and Democrats are coming up to the support of the Government—Whigs and Democrats vying with each other in the support of this Administration, in furnishing it all necessary means of men and money to prosecute this war.

But I am told frequently that ad valorem duties enable great frauds to be practised upon the Government. To this I have several answers: first, frauds on the Government will not be committed when there is no temptation to it, and if the duties are low, the temptation will not be so great; if the interest be small, the inducement to theft and to fraud will be small; in addition, if the penalties be severe, that, taken with the smallness of inducement, would tend largely to prevent frauds.

IN SENATE.

FRIDAY, June 19.

*Warehousing System.*

The Senate then took up, as in Committee of the Whole, the bill to amend an act entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes."

Mr. Dix rose, and addressed the Senate in explanation of the bill and the amendments he proposed to submit, as follows:

Mr. PRESIDENT: The bill under consideration was reported to the Senate from the Committee on Commerce, under a resolution instructing them to inquire into the expediency of establishing a warehouse system, and giving them authority to report by bill. The committee having charged me with the introduction of the bill, it devolves on me to explain its provisions, to point out its objects, and to show in what respects it modifies existing laws.

The bill is designed by the committee to respond affirmatively to the inquiry they were instructed to make. It is true, it does not provide specifically for the establishment of a warehouse system; it aims to accomplish all the objects of such a system by extending the provisions of existing laws in relation to the storage and final disposal of imported merchandise. They have given it the greatest possible simplicity in form. They have not deemed it expedient to recommend a complex system. They have aimed to introduce no principles wholly new or untried. They have made the system they propose conform as nearly as practicable to the provisions of existing laws. They have founded it on enactments now in force, and in daily and familiar operation, enactments of which the meaning and application have been settled by construction and practice.

JUNE, 1846.]

Warehousing System.

[29TH CONG.]

The bill consists of an amendment of a single section—the twelfth section—of the act of the 30th of August, 1842, commonly called the tariff act. It is almost a transcript of that section and the thirteenth. The amendments, though important, are all comprised within the compass of a few lines. Thus, Senators will perceive that the proposed measure will be presented for their consideration in the most simple shape, and that the examination which the importance of the subject demands may be carried on, without embarrassing their attention by complexity of details.

The first observation which I deem it proper to make in connection with the general policy of the measure, is, that the warehouse system is actually in existence, though on a very narrow basis, and in a very imperfect form. Indeed, I believe there has been no period from the foundation of our revenue system, when it was not in operation in some shape or other, and under certain limitations. It will, in fact, be necessary, in order to show to what extent it is in force, to go back to the general revenue act of the 2d March, 1799, "to regulate the collection of duties on imports and tonnage."

The 56th section of that act, which is still in force with some modifications, provides that, after the expiration of fifteen working days from the time prescribed for reporting a vessel, if any goods shall be found on board, other than such as were reported for entry in another collection district, or some foreign port, they shall be taken possession of, and stored under the order of the collector. The same section also provides that, after five days' notice to the collector, any goods may be so taken and stored, with the consent of the owner, or consignee, or the master of the vessel. By the act of 8d March, 1821, the time allowed for unloading vessels exceeding three hundred tons burden is extended from fifteen to twenty working days; and by a proviso in the 56th section of the act of 1799, which I am now examining, the fifteen working days originally allowed may be extended by the collector fifteen days more for vessels laden with salt or coal.

The act of 1799, like all the early acts regulating the collection of duties, gave a credit to the importer, where the duties chargeable on imported merchandise exceeded a certain amount. If the duties did not exceed fifty dollars, they were required by that act to be paid in cash; and by the act of the 14th July, 1832, cash payments were exacted for duties not exceeding two hundred dollars. On all sums exceeding these amounts, the importer took the goods and gave his bond, payable at periods varying from three to twelve months, according to the nature of the merchandise and the countries from which it was imported. This was the general system. There was an exception to it in the case of teas, which were allowed to be deposited in stores agreed on by the importer and inspector of the revenue—bonds without sureties being taken, in double

the amount of the duties, payable in two years. And there was also a general provision authorizing collectors to receive goods in deposit, by way of securing the payment of duties, as a substitute for sureties on bonds. For instance, if the importer preferred not to give sureties, he was allowed to give his own bond and take his merchandise, depositing with the collector a sufficient quantity to insure the payment of the duties on the whole.

Under the system of credits thus established, there was no strong inducement to place goods in store pursuant to the provisions of the 56th section of the act of 1799. Such as were found on board vessels after the time specified for unloading, were usually small in quantity and not of great value. Under the proviso of the 56th section, which I have referred to, authorizing goods to be received in store after five days' notice, with the consent of the owner, I believe it was, and still is, the practice for vessels in haste to enter on the return voyage, and especially packets, to be put on what is called the five days' order, for the purpose of unloading and sending their cargoes to the public stores without waiting for them to be appraised, weighed, measured, and gauged.

Goods thus deposited were, by the provisions of the 56th section, permitted to remain in store for the term of nine months, unless the duties chargeable on them became payable in a shorter period; and in this case a sufficient quantity was allowed to be sold to realize the duties when they were due. The residue was to be sold at the end of the nine months, with the addition of one month prescribed for advertising them. So that with the nine months allowed for retaining goods in store, one month for advertising, twenty days for unloading, and unavoidable delays, it rarely happened that goods charged with duties payable in nine months were sold in less than a year. Before goods were sold, they were required to be appraised by two or more reputable merchants, and the proceeds of the sale, after deducting the duties and charges, were paid into the treasury of the United States for the use of the owner, upon proof of his right to receive them.

Such was the warehouse system as it existed under the earliest revenue laws. The system of credits established by the same laws, and the limited time for the deposit of merchandise, rendered it of no great practical importance as an instrument of commerce. I call it a warehouse system, though it may be deemed unworthy of the name, as its object was, chiefly, the convenience of the commercial community.

The 12th section of the act of the 30th August, 1842, requires the duties on all imported merchandise to be paid in cash. The act of 1799 required duties to be paid, or secured to be paid, before a permit for landing them was granted. But in order to ascertain what the duties were, it was necessary, as a general rule, to cause the goods to be weighed, gauged, measured, and sometimes sent to the public

stores to be appraised. The necessity of the case, therefore, established this construction of the law, which has existed from the earliest period—that its requirements are sufficiently complied with if the importer pays the duties regularly ascertained, or secures them when estimated, before he obtains possession of the goods on which they are charged. This practice exists and must always exist, under any system of cash duties. It existed when the cash system was partial, when it was made universal, and it exists still. Under the cash system, then, the duties must be paid or deposited before the goods go into the possession of the owner. Under the credit system, the owner obtained possession of his goods on giving his bond for the payment of the duties at a future day.

The 12th section of the act of 1842, after exacting the payment of duties in cash, provides that “in all cases of failure or neglect to pay the duties, on completion of the entry,” the goods “shall be taken possession of by the collector, and deposited in the public stores.” When so deposited, they are to be kept at the charge and risk of the owner; and if the duties are not paid in sixty days, (or ninety days, if imported from beyond the Cape of Good Hope,) the goods, or a sufficient amount to pay the duties, are required to be sold at auction after an appraisal by the general appraiser. If the owner does not claim the residue, they are to be redeposited, and disposed of under the thirteenth section of the same act, the provisions of which I shall explain. The time of advertising before a sale is prescribed by the Treasury Department, and has been fixed at thirty days, as under the act of 1799.

Such is the warehouse system, if it can be so called, existing under the twelfth section of the act of the 30th August, 1842; and it will be perceived that it differs from that established by the act of 1799 in many essential particulars.

1. By the act of 1842 the maximum time during which goods are allowed to remain in store before a sale to realize the duties, is reduced from nine months to sixty or ninety days.

2. Under the act of 1799 the appraisal was required to be made by two or more reputable merchants. Under the twelfth section of the act of 1842 no special appraisers are named, and it is, therefore, construed to intend the general appraisers—the official persons appointed under the general law. The appraisal is accordingly made by them.

3. Under the act of 1799 all the goods were to be sold at the end of nine months. Under the 12th section of the act of 1842 only a sufficient quantity is to be sold, at the end of sixty or ninety days, to pay the duties, charges, and interest.

4. Under the 56th section of the act of 1799, the overplus of the proceeds of the sale, after paying the duties and charges, was to be paid in the treasury of the United States, for the use of the owner. Under the 12th section of the act of 1842, the residue of the goods, after

selling a sufficient quantity to pay duties, interest, and charges, is to be delivered to the owner if claimed by him, or if not claimed, to be redeposited in store.

5. The act of 1799 required an inventory and appraisement of the goods before a sale. The act of 1842 requires, in addition, that distinct and printed catalogues descriptive of the goods, with the appraised value annexed, shall be distributed among the persons present at the sale, and a reasonable opportunity given to purchasers to inspect the quality of the goods. These additional requirements are of great importance. Under the old system these sales were ordinarily mere package sales. The officers of the customs and persons in their confidence, might know all about the goods to be sold, while the purchasers could know very little about them, thus opening a wide door to collusion and fraud.

There are other differences of minor importance not necessary to be specified.

The 18th section of the act of 30th August, 1842, differs materially from the 12th, and is, in its general provisions, more analogous to the 56th section of the act of 1799. The appraisal is required to be made by two or more respectable merchants, and all the goods are required to be sold. This section, at first glance, appears to have been specially framed for the purpose of finally disposing of all unclaimed goods, in whatever manner they may have found their way into the public stores; but, by a construction of the Treasury Department of the 11th July, 1845, it is decided to embrace only such goods as are redeposited in store under the preceding section, after a partial sale to realize the duties, or such as are liable for charges of storage, &c. The time during which goods may remain in store under this section is fixed by the 56th section of the act of 1799, which is in this respect unrepealed, and the sales accordingly take place once in nine months.

In all cases, both under the acts of 1799 and 1842, there is a provision for the speedy sale of perishable goods—a provision equally important to the Government, in order that the duties may be realized before the goods become worthless; and to the owner, who may not always know that his goods are in store, and who might, without such a provision, lose their entire value.

I have thus stated the provisions of existing laws in relation to the storage and final disposal of imported goods in all cases of a failure or neglect to pay the duties chargeable on them, and of goods unclaimed by the owners within the time limited for retaining them in store. A comparison of the act of 1799 in respect to the storage of goods, with the act of 1842, will show the latter to be much more stringent in its provisions. It diminishes the time during which goods are allowed to remain in store from nine months to sixty and ninety days, and it exacts interest on the duties from the date of

the entry of the goods on which they are chargeable.

The tariff act of 1842 introduced the most thorough revolution in this department of the revenue system of the United States which has been known since the foundation of the Government, by abandoning the old plan of giving credit for duties, and requiring them to be paid in cash for the largest as well as the smallest sums. The old system gave a credit for duties, without exacting interest during the period for which the credit was granted. Under the act of 1842, if there is a failure or an omission to pay the duties on imported merchandise on the completion of the entry, interest is charged from the day the duties accrue, and the importer pays it with the duties when he claims the goods; or if, in default of voluntary payment by the importer, a sale takes place, the interest is added to the duties, and the amount, together with the charges for storage, &c., is realized from the proceeds of the sale.

I desire to say here, Mr. President, to avoid misapprehension, that I am aware of the provision in the tariff act of 1838, or the compromise act, as it is called, requiring duties to be paid in ready money; but this provision did not go into effect until the 1st of July, 1842; and by the same act all duties were reduced to 20 per cent. on the same day, while the more liberal provisions of the act of 1799, in respect to the storage of goods, if I am not mistaken, remained in force. I also desire to say that I have not overlooked the partial provision in the act of 1832, requiring duties on woollens to be paid in cash, or, if stored, exacting interest on the duties.

The introduction of cash payments for duties, though I believe it is generally conceded to have operated favorably as far as the Government is concerned, so much so that few, if any, are desirous of disturbing it, at least by reinstating the old system of credits, bears heavily on the mercantile interest in comparison with the latter. The forbearance of payment by the Government was, in practice, equivalent to a cash capital for the merchant to the amount of the duties during the time for which the credit or forbearance of payment was granted. It was, unquestionably, a valuable mercantile facility for those who had the benefit of it, and the discretion to employ it judiciously. But it had its public inconveniences, and it was very properly abolished. It was, however, foreseen and foretold at the time the change was made, that great hardship would be likely to result from it, unless provision was made for storing goods for a limited period, and forbearing during that period to exact the payment of the duties. But it is a singular fact—and one which is not easily to be accounted for on any principle of public utility or convenience—that when the extraordinary and violent transition took place from credits to cash payments, the maximum time during which merchandise was allowed to remain in store before a sale to realize

the duties, instead of being enlarged, as one would suppose it should have been, or at least continue as it then existed, was actually reduced, as has been seen, from nine months to one-third of that period, and for most merchandise to a still shorter time. The change took place, too, at the very moment when the rates of duty were enormously increased on a large class of imports from 20 per cent. the maximum under the compromise act of 1833. The stringent measure of cash payment was rendered more stringent by a simultaneous increase of the rates of duty, and by depriving the importer, to a great extent, of the facility of placing his goods in store, if the importation should find him unprepared to pay the duties in cash. This privilege, which under the system of credits, was of no great practical benefit in extensive operations, would, under the system of cash payments, have been a facility of considerable value to importers of moderate means, and would have enabled them to contend, in a limited field, at least, with large capitalists, who, if general opinion be true, have now engrossed, in a great measure, the business of importation, and will continue to do so, under existing laws, from their ability to furnish readily the means of meeting the payment of duties in cash on large cargoes. Still, if the time allowed for merchandise to remain in store under the act of 1799 had not been diminished, it would have been too limited to accomplish all the objects anticipated from a warehousing system, especially so far as such a system may lead to the storage of goods for exportation.

I will now state wherein the bill before the Senate proposes to amend existing laws, pointing out as I proceed in what respects it will change the practical operation of the present system; and I shall conclude by a brief summary of the advantages expected to result from it. I have already said that the bill is, with the exception of a few amendments, a transcript of the 12th and 18th sections of the act of 30th August, 1842; and in stating and explaining the amendments, I shall cover all the ground which is new.

The first amendment proposed, is to allow goods to remain in store for a period not less than two, nor more than three years, as Congress may determine, instead of sixty and ninety days, with the privilege of withdrawing them at any time during that period on the payment of duties and charges. This amendment embraces two new provisions: 1st, an extension of the time during which goods are permitted to remain in store; and 2d, a remission of the interest now exacted on the duties from the date of the entry to the time of withdrawing from the public stores the merchandise on which they are charged. These provisions are so distinct in character that it will be necessary to consider them separately.

1. *As to the extension of time.*—The Senate will perceive that the number of years during

[Mr. Sizer.]

*Warehousing System.*

[JUNE, 1846.]

which the bill proposes to allow goods to remain in store, is left in blank. I will, at a proper time, move to fill the blank with three years, though I am not authorized to say that I shall be sustained in this motion by the judgment of the committee. There are, in my view of the subject, some strong considerations in favor of selecting that period of time. It is the period fixed by the British system, which has been in successful operation for more than forty years; and it may be reasonably supposed that, after so full a trial, it has been retained from considerations of its convenience for commercial purposes. But it is not for this reason alone. The term of three years is the period during which imported goods may, under existing laws, be entered for exportation with the privilege of drawback; and the term thus fixed in one case would seem to indicate a proper limitation in the other; especially as storing goods for exportation will, in all probability, become a very important and extensive branch of business, if this bill should become a law. Should the Senate be of the opinion that the term of three years is too long, and that a shorter period is dictated by any urgent considerations of public convenience or utility, I can only say that I shall submit cheerfully to its better judgment, but with the strong hope that a less time than two years will not be thought of, as I am fully persuaded that it is the least which would be sufficient to accomplish effectually the objects in view. Commercial and financial reactions are not supposed ordinarily to run their course in much less time; and if that period is allowed for goods to remain in store, the owner will be able to avoid the inconvenience and loss on the one hand of re-exporting them unnecessarily, and, on the other, the sacrifice of throwing them upon the domestic market when the demand is limited, or the ability to purchase impaired by derangements in the pecuniary or mercantile transactions of the country.

2. *As to the remission of the interest.*—Interest is now exacted on the duties from the date of the entry of the merchandise on which they are charged to the time when the duties are paid. The proposed amendment proceeds upon the principle of requiring the owner or importer of foreign merchandise to pay the impost when the merchandise is wanted for consumption. If he pays the duties on the entry, and is compelled to keep the goods on hand because he cannot sell them advantageously or without loss, the Government has the use of the money paid for the duties, though the merchandise has not been used for the benefit of the owner, while the latter is also paying or losing interest on the amount of the duties he has advanced to the Government. In like manner, if a merchant imports goods, pays duties on the entry, and is compelled to keep the goods on hand, they become constantly enhanced in cost, not only by an accumulation of interest on the purchase money, but of interest on the duties. Cases of this description

are undoubtedly of frequent occurrence; and I advert to them for the purpose of showing the iniquity, the illiberality, not only of exacting the payment of duties before the merchandise on which they are chargeable is required for consumption, or before the importer can make any advantageous use of it, but of exacting interest on the duties also. The Government, by so doing, derives a profit from the merchant without any corresponding benefit to the latter. Under the system of credits, coeval with the foundation of the Government, the merchant was allowed to take his goods into his own possession, by giving security for the payment of the duties without interest at a future day; and during the period allowed for the credit to run, he could always dispose at least of a sufficient amount of the goods to meet the payment of his bonds. It was, as I have already said, a most valuable pecuniary facility to the mercantile community, though having an inherent tendency to run into excess, and to stimulate and extend injuriously the operations of business. The remission of interest on duties from the entry of goods to the time when the duties are paid, does not, strictly speaking, extend a facility to the importer or merchant. It merely abstains from imposing a burden—from exacting what is unreasonable and unjust—a profit to the Government without any corresponding advantage to him. It allows him to take his goods from the public stores when he wants them, by paying the charges of storage, &c., and the duties without exacting interest on the latter for the period the goods have been in store. The principle seems so obviously just that I will not pursue the argument further.

It may be proper to add, however, that the system of cash payments proceeds upon the principle of requiring the importer to pay the duties when the merchandise goes into his possession; and this is the only material point in which it differs from the old system of credits. The non-exaction of interest on the duties does not affect this principle. Imported goods, as long as they are deposited in store, are a security to the Government for the payment of the duties chargeable on them. The payment of the impost is exacted when the goods are withdrawn, and go into the importer's possession; and thus the great principle on which the system of cash payments proceeds is preserved inviolate.

The observations I have made are confined to the policy of extending the period of time during which goods are allowed to remain in the public stores, without calling for the payment of duties, and of allowing them to be withdrawn for consumption, or domestic use, on paying the charges and the duties without interest. These points embrace the whole of the first proposed amendment.

I proceed now to the second amendment, which is to allow goods at any time during the period limited for keeping them in store, to be

taken out for re-exportation on the payment of all charges. This amendment is a substitute for that part of the existing revenue system which exacts two and a half per cent. on the amount of the duties paid by the owner of the merchandise when he imports it, and refunded to him when it is re-exported. The Government, in other words, in refunding the duties to the importer, retains two and a half per cent. of the amount for its own use. The amount retained was originally one per cent., as may be seen by a reference to section 81 of the act of 81st July, 1789, and section 57 of the act of the 4th August, 1790. An addition of one quarter per cent. was made by the act of March 19, 1798, as a substitute for certain stamp duties on debentures, which were repealed by the same act. And by the act of 30th May, 1800, an addition of two and a half per cent. was made for the same purpose; so that the amount retained was at one time three and three-quarters per cent. But these provisions were all superseded by the tariff act of 1816, which reduced the deduction to two and a half per cent. In 1829 all deduction was abandoned; and from that time until 1842 the whole amount of the duties paid on the importation of foreign merchandise was refunded on its exportation. But now, by the 15th section of the act of 30th August, 1842, the amount of the deduction is fixed at two and a half per cent., excepting in the re-exportation of foreign refined sugars, in which case the amount retained is ten per cent. on the duties paid. The amount thus deducted by the United States in paying back the duties received on foreign merchandise in case of its re-exportation, was originally, as is perceived, very small, (but one per cent. ;) and the two second acts to which I have referred—adding two per cent. and three-quarters to the amount as a substitute for stamp duties on debentures—show that the object was to indemnify the Government for the inconvenience and expense to which it was subjected.

But the object is directly or indirectly shown by all the early laws as well as the early reports in respect to the revenue system.

Under existing laws there is no very perceptible want of equity in this exaction, for the reason that it does not take the form of a direct payment to the Government. But, under the proposed bill, and with the extension of the period allowed for keeping goods in store, the exaction of a payment equal to the same proportion of the amount of duties chargeable on them in all cases, without reference to the time during which the goods have been stored, would be illiberal and impolitic. The exaction was designed, not as a source of revenue to the Government, much less as a discouragement to the re-exportation of imported goods. Its purpose was what I have stated—to indemnify the Government for the inconvenience and expense of administering the system of debentures. Under any other view of the subject, it could only be considered as an unreasonable

imposition on commerce, and especially that branch of commerce in which the country is so deeply concerned—the carrying trade.

The bill under consideration proposes to lay aside this exaction entirely, returning to the more liberal provisions of former laws; and, as a substitute for it, to require only the payment of the actual charges and expenses incurred while the goods are stored. By this provision the interest of the Government will be fully protected, and the charges paid by the importer will bear a just proportion to the time he has enjoyed the benefit of the legal provision under which his goods have been held in store. Under the proposed system, the exaction, if it were continued, would become a mere premium paid to the Government for the privilege of exporting foreign merchandise for which there was no demand at home.

If the exaction were, as it now is, in the shape of a deduction by the Government from duties actually paid, its true character would be less apparent than when the exaction takes the form of an actual payment by the importer on an estimated amount of duties which the Government has never received. The last case would always occur under the proposed system, if it should be adopted, as the goods would lie in store without any payment of duties; and in case of re-exportation, it would be necessary to assume as a basis the amount of the duties which the merchandise would have paid if it had been entered for domestic consumption, and to exact from the owner the payment of a given proportion of that amount as a charge for the privilege of re-exporting it. Such a charge is deemed an illiberal imposition on commerce; and the bill, therefore, proposes to allow merchandise, during the time it is permitted to remain in store, to be withdrawn for exportation, under the existing legal provisions in respect to drawbacks upon a payment of actual expenses, including the customary charge for storage.

The third amendment is one on which only a single remark is necessary. The 12th section of the act of 1842, provides for a sale of such quantities of the goods deposited in store as shall be necessary to pay the duties, and directs the goods unsold to be restored; and if unclaimed for nine months, they are liable to be sold for storage under section thirteen of the same act after the expiration of that period. The proposed amendment, for obvious reasons, contemplates one sale of all the goods at the expiration of the period allowed for keeping them in store, and adopts the requirements of section thirteen in respect to the formalities of the sale, and the payment of the surplus of the proceeds into the treasury of the United States for the use of the owner. The propriety of making a final disposition by sale of all goods which have been stored for the term of two or three years, in case this period shall be fixed, is too manifest to need illustration.

Another provision, which is entirely new, re-



quires a passing notice. Perishable goods are required to be sold forthwith, as under existing laws; but with them are classed, for the purpose of an immediate sale, gunpowder, fire-crackers, and explosive substances. The danger in large cities from the accumulation of such substances, especially when deposited in the same stores with property of great value, is of such a nature as to demand some effectual preventive. They are not imported in large quantities, and there will be no individual hardship in the few instances in which a compulsory sale is likely to take place, at all comparable with the risk which would be incurred by the public in admitting them to the benefit of the warehouse system.

I believe I have now stated the general provisions of the proposed bill, and pointed out the amendments it makes in existing laws. They may be briefly summed up thus:

1. Merchandise may be deposited, and remain in store two or three years, instead of sixty or ninety days, before selling it for the purpose of realizing the duties.

2. Merchandise may be withdrawn from store, at any time during the two or three years, for domestic use or consumption, on the payment of charges and duties, without exacting interest on the latter from the date of the entry.

3. Merchandise may be entered for exportation at any time during the two or three years, on the payment of actual charges and expenses.

These are the leading provisions of the bill. It has been a ruling consideration in framing it to divest it of all complexity. It has been thought proper to put it in the most simple form possible, and to rely mainly for carrying into effect the new provisions it contains on regulations to be framed by the Treasury Department. These may be accommodated to unforeseen circumstances, and exigencies may thus be met which might be without a remedy for a time, if all the details of the plan were at the outset to be regulated by legal enactments. The Secretary of the Treasury is, therefore, authorized to make such regulations, not inconsistent with the laws of the United States, as may be necessary to give full effect to the provisions of that act. As the plan is tried, and its defects or its benefits become fully disclosed, the details may be all placed upon the permanent footing of legal regulation. It is believed that the course suggested will be deemed reconcilable with the most scrupulous considerations of prudence, when it is remembered that there is little in the plan which is absolutely new, or which may not be accomplished by a mere extension or a broader application of existing provisions of law.

I shall now detain the Senate but a moment, in stating some of the principal benefits anticipated from the changes proposed in the existing revenue system.

The first and greatest benefit to the commercial interest, is the relief it will afford from the present system of exacting the payment of

duties in cash, on the completion of the entry of merchandise. In one sense it may be contended, when compared with the present system, that it is an extension of a credit to the importer for the duties until he can effect a sale of his goods. Strictly speaking, it is but abstaining from an unreasonable exaction; and it is divested of all risk to the public, as the goods will never be permitted to go into the possession of the owner until the duties are paid. It will relieve him from the great hardship, which is common under the present system, of being forced to sell a portion of his goods, and sometimes in an overstocked market, for the purpose of raising the money to pay the duties. It will enable him to pay the duties as he has the opportunity of disposing of his goods for consumption, instead of being compelled to borrow money or sell his merchandise at a loss, to raise it; and it will enable men of moderate means to enter into competition with large capitalists, who, as I have already said, monopolize to a great extent the business of importation, through their ability to command money to meet the payment of duties in cash. The proposed change is entirely consistent with the principle and the object of cash payments; and by preventing forced sales of goods to raise money for the payment of duties, it will often avoid an overstock of the domestic market with foreign merchandise to the prejudice of the importer, by compelling him to sacrifice his property, and of the producer of domestic goods of like character, by depressing prices. If we consider, also, that it will be likely to enlarge the circle of competition in the business of importation—not to augment the aggregate amount of imports for consumption, but to divide it among a greater number of persons—it will not be difficult to perceive that the mercantile interest must be greatly benefited by the change.

The second benefit, though perhaps not second in importance, to be anticipated from the proposed measure, is the stimulus it will be likely to give to the carrying trade, by making our ports of entry *entrepôts* for the productions of all countries. Under the present system, if imported merchandise is entered for exportation, the duties are not refunded until after the exportation has actually taken place. Thus, if an importer, having brought merchandise into the country for the domestic market, and having paid the duties, finds at the end of one, two, or three years, no demand for it at home, and is compelled to re-export, he will have lost during that period the use of the money he has paid for the duties, and he is taxed in addition two and a half per cent. on the whole amount so paid, as a premium to the Government for the privilege of sending his goods to a foreign market. No better scheme could be devised either to glut the domestic market by forcing the importer to throw his merchandise into it at any price it will command, or, on the other, to discourage navigation by taxing the re-

exportation of foreign merchandise which is not wanted at home. Under the proposed plan, foreign merchandise will be allowed to be freely deposited in store, and to be re-exported as freely, with no other imposition than the payment of actual expenses of storage, &c. One of the certain consequences of such a system must be to accumulate in our maritime towns a variety of the products of other countries, where our vessels can make up assorted cargoes for foreign markets. This facility has led to the deposit in British ports of merchandise designed for reshipment to the southern portions of this continent, and indeed, to all quarters of the globe. The value of foreign merchandise deposited in the warehouses of Great Britain is estimated at two hundred and fifty millions of dollars. The proposed plan would have the same result here, if like effects are to be expected from like causes. The deposit of even a considerable portion of such a quantity in value, made up, as much of it doubtless would be, of goods suitable to the South American and Pacific markets, could not fail to benefit and extend our navigating interest—one of the most valuable in peace, and the most important of all others to so commercial a community as the United States as a means of defence in war. That our carrying trade would be vastly increased; that ship-building would be stimulated; that many foreign markets would be supplied, wholly or in part, by us, with merchandise now furnished from the warehouses of Europe; that the industry of our seaports would be put in greater activity; that the commercial transactions of the country would be facilitated; and that a healthier competition would be created in the business of importation, can hardly be doubted. Such, at least, is the opinion of the mercantile community, and so believing, it is natural that they should look with great interest to the concurrence of the Senate in a measure which appears to them so intimately connected with the prosperity of the country.

And finally, Mr. President, if uniform prices and steady markets are, as we are taught to believe, advantageous to the producing classes, the manufacturing interest, next to the commercial, is likely to be most benefited by the proposed measure through supplies of merchandise near at hand, ready to meet sudden and unusual demands, thus preventing a transient scarcity from becoming the basis of speculation, and furnishing an additional safeguard against those derangements which are always the most injurious to steady industry.

Mr. HUNTINGTON signified his desire to address the Senate on the subject;

And on motion, its further consideration was postponed until Wednesday next.

The Senate adjourned till Monday.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, JUNE 20.

#### The Tariff.

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. COBB, of Georgia, in the chair,) and resumed the consideration of the bill to reduce the duty on imports, and for other purposes.

Mr. ANDREW JOHNSON remarked, that it was not his intention to occupy the time of the committee long, but to offer an amendment and state a few reasons in explanation and advocacy of it. He would remark, however, in reply to what had been said by the gentleman who had just taken his seat, that it did appear to him that the discussion of the annexation of Texas, the Mexican war, or the Oregon question, was not very pertinent to the discussion of the bill under consideration. It really seemed to him that the gentleman was discussing the rumored Oregon treaty a little in advance of knowing what was the true position of the question; that he was striking prematurely, in the dark, and without knowing what was the position of the Administration upon it. The gentleman might go back to 1828, and trace the course of the Executive upon the Oregon question from that time to the present time, and pronounce if he pleased upon his consistency, before the terms of the treaty or the position of the Administration had been published; but it was not for Mr. J. to determine upon it until he had further information upon it. He did not want it to be understood, in what little he had to say, that he rose for the purpose of palliating or extenuating, in the slightest degree, an inconsistency, if one had been committed by the Executive. He admired a straightforward, unsophisticated course, and would not approve the opposite in the Executive, even though he came from his (Mr. J.'s) State, or in others high in office. But when the treaty should be published, it seemed to him there would be ample time to make objections to it. Mr. J. might, however, cite authorities for the course the President had taken in submitting, as it was rumored he had submitted, the protocol of the British Government to the Senate for their advisement. In the early days of the Republic, we found that "the Father of his country" took the same course. The Executive must differ with many details of the treaty; he might object to the basis of 40°; but, conceding that the Senate was a part of the treaty-making power, (which was the fact,) he was but following the example of the illustrious Washington when he asked the advice of the Senate upon an important question which came before the treaty-making power. If the Cabinet was divided, as had been reported, and if two-thirds of the Senate advised him to enter into this treaty, it did appear to him (Mr. J.) that the Executive would not be involved in the seeming inconsistency upon which the gentleman from Ohio had adverted. Mr. J. was one of

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those who went for 54° 40' when the question was before this House; he went for it still; and had it been left to his decision, he never would have yielded one inch below that line, believing our title to be the best title. There were some doubts about all of them; but as between us and Great Britain, our title was the better of the two. It appeared then, he repeated, that the gentleman was striking too soon; that he should wait until a fair and authentic exposition was given of the position which had been taken, before he dealt out his blows to injure the Administration, or divide and distract the party which supported it. He appealed, then, to his Democratic friends—to all the friends of 54° 40' upon this floor—to pause until they received information of the true state of the question and the action had upon it, before they made these inflammatory appeals to the country.

Mr. J. now advanced to the consideration of the question of protection. The question of the finances of the Government was an all-important one—one which involved the very vitality of the Government. He referred to the state of war in which we were now placed—requiring increased expenditures—and presented the importance of selecting discreetly the articles upon which a tax should be imposed to supply the twelve-and-a-half millions of dollars deficiency in the treasury anticipated by the Secretary. And as embodying his views on the subject, he caused to be read the following amendment, which he gave notice he should offer at the proper time to the bill before the committee:

*Be it further enacted,* That from and after the passage of this act, there shall be levied and collected, in such a manner as may be prescribed by the Secretary of the Treasury of the United States, the following rates of *impost* or per cent. upon all capital as hereinafter enumerated—that is to say, upon all bank stock or the capital of banks, whether the same be incorporated or banking under a general banking law, one per cent. per annum upon the stock so held or the capital so invested; upon all capital vested in bonds issued by the several States which they are now paying the interest on as it falls due, or bonds issued by the Government of the United States, one per cent. per annum; upon all capital used or employed by any individual or individuals, bank or banks, bodies politic or corporate, in buying, discounting, or shaving notes, either promissory or bank paper, one per cent. per annum; upon all money loaned bearing interest, if the sum so loaned exceed ten thousand dollars, one per cent. per annum; upon all capital exceeding fifty thousand dollars vested in any one manufacturing establishment, one half of one per cent. per annum; upon all *gold* and *silver* plate or ware exceeding fifty dollars in value, ten per cent. *ad valorem*.

He proposed by this amendment to legislate upon the principle that the burdens of the Government should be upon the rich, who ought to bear them, and not upon the poor—upon the principle that, carried out, would produce the

greatest good to the greatest number. He submitted this proposition to the consideration of Congress, before they proceeded to levy a tax upon tea and coffee for the purpose of raising something like two millions of dollars. It was true, a very curious distinction had been made by the gentleman from Georgia, (Mr. JONES,) between articles of convenience and necessities. Now, if they were to confine the whole people of the United States to what were strictly necessities, the whole population could live on bread and water, and every thing else would be considered a comfort and a convenience. This was a theory to which he was opposed; and by his vote he should never be found to countenance such a system.

He laid down as a fundamental principle, that the expenses of this Government, and particularly those incurred in time of war, should be sustained by that portion of the population who enjoy the greatest amount of protection. One of the great ends of government was to acquire a power to protect the property of the citizens of the country; and in war this power was physical power, which was exerted to defend the property of the citizens of the country; and hence when the expenses of a war were to be incurred, they should be borne by those who receive the greatest protection from that war. In this view of the subject, the impolicy and the injustice of taxing the poor man's tea and coffee to carry on a war which was mainly for the protection of the property of the rich, was clearly seen. The rich man, to be sure, used tea and coffee, and perhaps a little more than the poor man; but there were one hundred poor men to one rich man. One hundred times as much, then, would be paid by poor men as by the rich, if we were to tax those necessities of life, tea and coffee, to carry on the war. The burdens of taxation (Mr. J. boldly proclaimed) should be shifted off the shoulders of the poor, who had too long borne an undue and exorbitant proportion of them, and should be put upon the wealth of the country.

IN SENATE.

MONDAY, JUNE 22.

Mr. ATHERTON presented the credentials of JOSEPH CHLEY, of New Hampshire, elected a Senator of the United States to fill the unexpired term of Mr. WOODBURY.

Death of Hon. Mr. Herrick.

A message was received from the House of Representatives, announcing the death of the Hon. RICHARD P. HERRICK, a Representative from the State of New York, and inviting the Senate to attend the funeral to-morrow at twelve o'clock.

The message having been read—

Mr. DIX rose and addressed the Senate as follows:

Mr. PRESIDENT: The communication which has just been received from the House of Rep-

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representatives, announcing the decease of RICHARD P. HERRICK, one of the members of that body from the State of New York, devolves on me the melancholy duty of asking the Senate to unite in the customary tributes of respect to his memory.

The presence of death in these Halls is always solemn and impressive; and it is doubly so when he comes among us without warning, and when the victim he has singled out is struck down in the fulness of health and strength. It is thus suddenly and almost unadmonished that Mr. HERRICK has been summoned to his final account. On Tuesday last he was engaged in the performance of his legislative duties, though unwell from the evening of that day. It was not until Saturday morning that he was considered in danger; but long before the day closed he was numbered with the dead. Circumstances like these address themselves significantly to our reflection. They were and are still as likely to attend our final exit from these Halls as his. They admonish us strongly of the uncertain tenure by which life and its honors are held. But in the departure of those whose lives have been well spent, however unexpectedly they may be called away from the scenes of their labor, there is a useful and a consolatory lesson. For while it teaches us that we cannot stay the flight of time, it teaches us also that we may, by a faithful discharge of our duties, so measure his course that he shall not outstrip us in the race we are appointed to run with him. We may be out off in the midst of our labors. Our worldly designs may be left unfinished. But the great purposes of our lives may nevertheless be fulfilled. Such a lesson the life of Mr. HERRICK teaches. He was born in Rensselaer county, New York, and always resided there. From his early youth he was trained to habits of industry. In business he was assiduous and successful; and he bore in all his pursuits and social relations an unblemished name. For the last fifteen years his place of residence has only been separated from mine by the Hudson River. Our associations brought us little together; but I remember him as a man highly esteemed in his neighborhood, executing with fidelity trusts of a local character, and occupying with respectability a seat in the Legislature of the State. In a word, he stood without reproach in the community with which he lived. He has sustained to the end the same irreproachable character. He will be remembered at home for his probity, his good faith in the transactions of business, his humanity in works of benevolence, and for his kindness and courtesy in social intercourse. He will be remembered here for his conscientiousness as a legislator, and for the independence of action which accompanies and denotes a strong sense of rectitude. The standing in life which Mr. HERRICK attained was the work of his own unassisted exertions. His example is one of the numerous illustrations our country affords of the nature of our insti-

tutions to throw wide open the avenues of political distinction to all. The sudden termination of his legislative service, is one of the still more numerous illustrations in which life abounds of the emptiness of worldly honors.

In the bosom of his own family his death will be most poignantly felt; for in the relations of a husband and a father his example was deserving of all commendation. There are circumstances of a domestic character attending his decease which are calculated to bespeak a strong sympathy for those most nearly connected with him. It is but a few weeks since she, who of all others was best fitted to perform for him the last offices of affection, left him on a mission of maternal duty to one of their children in the North, unconscious of the more sacred and trying duty which was to demand her presence here. She comes now when it is too late to perform it. She will come to find her home made desolate by this sudden bereavement, and perhaps not in time even to assist in performing the last sad office for the dead.

Mr. President, I ask the Senate to unite in paying to the memory of Mr. HERRICK the usual tributes of respect; and for this purpose I offer the resolutions which I will now read:

*Resolved*, That the members of the Senate have received with deep sensibility the message from the House of Representatives announcing the death of RICHARD P. HERRICK, a member of that body from the State of New York, and that they tender to the widow and relatives of the deceased the expression of their sympathy in this afflicting bereavement.

*Resolved*, That the members of the Senate, as a mark of respect for the memory of the deceased, will attend his funeral to-morrow, at twelve o'clock, and wear crape on the left arm for thirty days.

*Resolved*, That, as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

Which resolutions having been agreed to, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, JUNE 22.

#### *Death of Hon. Mr. Herrick.*

Mr. CARROLL, of New York, rose and announced the death of his colleague, the Hon. RICHARD P. HERRICK, one of the Representatives from the State of New York. Mr. C.'s address was as follows:

Mr. SPEAKER: The delegation from the State of New York have devolved upon me the melancholy duty of arresting your attention, and that of the Representatives of the nation upon this floor, from the consideration of the ordinary duties of legislation, to a series of resolutions which I hold in my hand, concerning a lamented colleague, who, until within a few days, occupied a seat among us, but who, in the dispensation of Him who decrees all things

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in wisdom and for good, both in heaven and on earth, is now numbered among the dead.

RICHARD P. HERRICK, of the Twelfth Congressional District of New York, is no more. On Saturday, the 30th instant, at six P.M., after a painful illness of a few days, which he bore with Christian resignation and fortitude, his constitution yielded, and his spirit calmly exchanged its earthly and temporary tabernacle, as we humbly trust and believe, for its eternal habitation among the spirits of the just made perfect.

Would that I had longer known my lamented colleague, that I might be enabled to do justice to his character, and to portray the history of his life. You, however, Mr. Speaker, and every member upon this floor, will unite with me in bearing testimony to the kindness, courtesy, diligence, ability, and purity of purpose with which he conscientiously discharged the duties of a Representative during the present long and arduous session of Congress. The impression left upon your heart and our hearts, by his uniform urbanity of manners and gentlemanly and correct deportment, will not be effaced while one of us sojourns on earth, and will oft, in vain, cause a lingering look from every part of these walls for the late beloved occupant of yonder seat.

To the inhabitants of the county of Rensselaer—which county comprised the congressional district lately represented by my colleague—these tidings will be no less afflictive than unexpected. The name of HERRICK was endeared to them from the participation of his father in the revolutionary war. RICHARD P. HERRICK dwelt among them from his boyhood. He lived to the age of fifty-five years. He had long been looked upon as one of their most worthy and upright citizens. The founder of his own fame and fortune, his industry, enterprise, and integrity of character, gradually enlarged the sphere of his business and usefulness, whilst his philanthropic and generous disposition identified him with their institutions of religion and learning, and gained for him their good will and affection. They will long cherish his memory.

To his bereaved family his loss can only be measured and appreciated by those who know and feel, as they knew and felt, the happiness flowing from a life incessantly devoted to the manifestation of the most affectionate relations of husband and father. Words fail to express the tender ties that have been severed by this unexpected and sudden bereavement.

I submit to the House the following resolutions:

*Resolved*, That this House has heard with deep emotion, the communication of the death of the Hon. RICHARD P. HERRICK, a member from the State of New York.

*Resolved*, That this House tenders to the relatives of the deceased the expression of its sympathy on this afflicting event; and, as a testimony of respect for the memory of the deceased, the members and officers of the House will go into

mourning by wearing crape, on the left arm for thirty days.

*Resolved*, That the members and officers of the House will attend the funeral of the Hon. RICHARD P. HERRICK, deceased, to-morrow, at twelve o'clock meridian.

*Resolved*, That a committee be appointed for superintending the funeral of the deceased.

*Resolved*, That a message be sent to the Senate to notify that body of the death of the Hon. R. P. HERRICK, late one of the Representatives from the State of New York, that his funeral will take place from the Hall of this House to-morrow at twelve o'clock meridian, and that the Senate be invited to attend the same.

*Resolved*, That, as a further mark of respect for the memory of the deceased, this House do now adjourn.

These resolutions having been read by the Clerk, they were agreed to by a unanimous vote.

And the House thereupon immediately adjourned.

FRIDAY, JUNE 26.

*The Volunteer Force.*

The bill from the Senate, entitled "An act to provide for the organization of the volunteer corps brought into the service of the United States into brigades and divisions, and for the appointment of the necessary number of general officers to command the same," came up on its first and second reading.

Mr. COOKS offered the following amendment to the bill:

Strike out the words "and brigadier-generals" and the words "into brigades and," and insert (immediately before the first *proviso*) the following:

"And when the members of volunteer regiments from any one State, offered and accepted under the act of the 18th of May, 1846, shall be sufficient to constitute a brigade, a brigadier-general for the command of the same shall be appointed by the authority of that State to which they belong, in the manner prescribed by the laws of said State."

Mr. STEPHENS was opposed (he said) to hasty action upon a matter of so much importance. He should move, before he took his seat, the commitment of the bill to the Committee on Military Affairs, with instructions. The House would now see the condition into which it had been brought by this kind of action. This was the third military or supplemental war bill. If the House, when it passed the original act recognizing the war, had not been gagged; if two or three days had been allowed for deliberation, a satisfactory bill would probably have been passed in the first instance. Any gentleman who would look at this bill would be constrained to admit that, if it was passed, there would in a few days be a fourth bill brought forward. All he wished was time for deliberation.

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Mr. S. moved to recommit the bill with the following instructions:

"To report a bill in lieu of the bill now before the House, providing that in all cases when any State has furnished a sufficient number of volunteers to make a brigade, it shall be officered in all respects according to the laws of said State."

Mr. YANCY said he was in favor of the reference of this bill to the Committee on Military Affairs with instructions. He therefore moved the following resolution:

*Resolved*, That the bill be referred to the Committee on Military Affairs, with instructions that said committee report an amendment thereto, providing for the election of major and brigadier-generals, by the commissioned officers of each division and brigade of volunteers which may be organized by provision of the bill; and that said officers, so elected, be commissioned by the President of the United States.

Some conversation ensued between Messrs. GENTRY and YANCY, as to the precise form of amendment.

Mr. Y. was of the opinion that the volunteer force, being a peculiar force, and volunteering on the supposition that they would be allowed to choose their own officers, that privilege should be extended to them as far as general officers are concerned. They know these men, and have confidence in them, and unless volunteers have full confidence in the officers to command them, they are not the proper species of troops.

Mr. BURR said he had bestowed some care and examination upon this bill, and upon the necessities which a volunteer force suggests in the organization of the army. He thought this House, if it would take the trouble to understand the character of these troops, and the character of the officers of the militia of the States, would perceive that it was absolutely indispensable that the President of the United States, with the advice and consent of the Senate, should commission the general officers of the volunteers.

In relation to the amendment of his friend from Alabama, (Mr. YANCY,) he had only to say, that it was utterly impracticable, as every one who understood the organization of the army must see. In the event that the volunteers choose their officers, and those officers are commissioned by the Executives of the States, he had only to submit to this House that, under the act of Congress of the 18th of May last, the militia, whether officers or privates, can be called into the service of the United States for but six months. The Governor of a State issuing a commission to an officer, be he colonel or general officer, can commission him in the service of the United States for but six months. He apprehended that none of his friends who were disposed to insist so strenuously on the rights of the States would be disposed to controvert that proposition. He is a militia officer—an officer of the

militia of the States, and under the act of Congress the President of the United States cannot call either the privates of the States or their officers into the service of the United States for a longer period than six months. These volunteers have been engaged in the service of the United States for twelve months; and it is proposed by the amendment of his friend from Alabama, that we should place in command of these troops who are thus engaged for twelve months, officers who hold their commissions for but six months. It cannot be otherwise; it must be so. If the general officers were sent to command these volunteers according to the principles of this amendment, and a vacancy in the office of brigadier or major-general were to occur, he asked his friend from Alabama how that vacancy was to be filled? How, in the field or in the service, when your State brigades or divisions are sent off in detachments, or regiments, or companies—how was it possible that the vacancies thus occurring shall be filled? The great diversity in the laws of the several States respecting the militia—respecting the mode of appointing officers of militia, makes some uniform rule necessary. For instance, in some of the States the general officers of the militia—major and brigadier-generals—are appointed for four years; in other States, there is no organization of the militia at all.

The expediency of the appointment by the President of the United States being thus apparent, Mr. B. proceeded to submit to the House some views on the constitutional power of the President to appoint officers for volunteers. He undertook, from a careful examination of the acts of Congress from 1791 to the present time, to say, that the volunteers of the States have never been regarded as the militia of the States; whilst, under some of these acts, they have not been regarded as enlisted men in the service of the United States, he said the volunteers accepted by the President of the United States under an act of Congress, have never been regarded as the militia of the States. This is the point, as he understood it, of difficulty with gentlemen on this floor. Now it was instructive in questions of this kind to advert to the legislation of Congress on this subject in times past.

Mr. STARKES interposed, and inquired how it was that the President does not appoint colonels in the regiments of volunteers, unless it be that they are considered as State troops? If they were regular troops, the President would necessarily appoint them.

Mr. BURR (resuming) remarked that he had already said that volunteers had not by previous acts of Congress been regarded as militia. But in reply to the inquiry of the honorable gentleman from Georgia, he would say that Congress prescribes the number of troops and the organization of them; and the colonels by the acts of Congress are permitted to be elected by the volunteers, as a concession to the prejudice which these troops are known to entertain

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against being commanded by officers of the United States. It is a very great concession to these prejudices of the volunteers, which has suggested the provisions of the bill on your table: it is that these volunteers shall not be placed under the command of officers of the army of the United States, because it is known they are repugnant to being commanded by these officers. They are taken from the great body of the people; they will be selected no doubt by the President, if this authority be conferred upon him, upon every principle on which gentlemen endeavor to restrict the choice and the appointment of the President. But he held in his hand, prepared with care, a brief synopsis of the acts of Congress on the subject of volunteers.

By the law of 3d March, 1791, the President was authorized "to employ troops enlisted under the denomination of levies, in addition to, or in place of, the militia, for six months, (to be sooner discharged if the public service will permit.)"

The President was authorized further to organize such levies, and alone to appoint the commissioned officers thereof.

By the law of 9th May, 1794, the President was authorized to require of the Executives of the several States a body of 60,000 militia. By this act the President was empowered to authorize the Executives of the several States to accept any independent corps of cavalry, artillery, or infantry, as part of the detachment aforesaid, *provided they shall voluntarily engage as corps in the service.*

By the law of 29th of November, 1794, the President was authorized to call forth of the militia 2,500, to be stationed in Pennsylvania. He was also authorized, in case he deemed it expedient, "to direct voluntary enlistments of any of the militia of the United States, in lieu of the force authorized, for a term not exceeding thirty days, after the sitting of the next Congress."

No provision as to officers, but the President clearly had power to appoint.

By the law of the 28th of May, 1798, (3d vol. laws, 51,) the President was authorized to cause to be enlisted and called into actual service, in case of war or invasion, 10,000 troops for three years; and in addition to them, to accept any company or companies of volunteers, "whose commissioned officers the President is hereby authorized to appoint."

By the law of the 22d of June, 1798, volunteers under the act of the 2d of May were exempt from militia duty until their discharge, and were to be drilled.

Further provisions for appointment of officers by the President; company officers to be commissioned by the President.

By the law of the 2d of March, 1799, (3d vol. laws, 262,) the President was authorized to accept 75,000 volunteers, of which the officers were to be appointed by the President.

By the law of the 3d of March, 1803, (3d vol.

laws, 556,) the President was authorized to require of the Executives of the States "to organize, arm, and equip, according to law" a detachment of militia, not exceeding 80,000, officers included. The President was also authorized to empower the Executives of the several States to accept, as part of the detachments aforesaid, any corps of volunteers who shall engage to continue in service for such time, not exceeding twelve months, and perform such services, as shall be prescribed by law. That the detachments of militia and volunteer corps shall be officered by the States.

By the law of the 18th of April, 1806, the President was authorized to require the Executives of the States to organize, arm, and equip, according to law, 100,000 militia, officers included; and that he may authorize the said Executive to accept, as part of the said detachment, any corps of volunteers who shall engage to continue in service six months.

The said detachment of militia and volunteers to be officered by the authorities of the States.

By the law of the 30th of March, 1808, (4th vol. laws, 158,) the provisions of the last law were re-enacted.

By the law of the 6th of July, 1812 (4th vol. laws, 874,) the President was authorized to accept the services of 50,000 volunteers, to be appointed according to the laws of the States: vacancies occurring to be so filled.

Mr. Madison's Message—80th of June, 1812—recommends that the officers of the volunteer forces be commissioned by the authority of the United States.

By the law of 6th July, 1812, (4th vol. laws, 480,) the President was authorized to appoint the general, field, and staff officers of the volunteers that have offered, or shall hereafter offer, their services to the United States, under the law of July 6, 1812, with the advice and consent of the Senate.

Volunteers were required to sign an enrolment binding themselves to service conformably to that act.

The law of 24th July, 1814, (4th vol., 647,) authorizes the President to receive into the service of the United States such proportion of volunteers authorized by the act of 6th February, 1812, and that of 6th July, 1812, as the public service requires, if they engage to serve for five years or during the war, unless sooner discharged.

And thus the officers of such corps shall rank, according to grade and the dates of their commissions, with other officers of the army.

By the law of 30th March, 1814, the officers of the volunteer corps last mentioned, were entitled to promotion in the regular army, and all necessary appointments and vacancies in said corps, to be made and filled by the President and Senate. The law of 27th January, 1815, authorized the President to receive into the service of the United States troops not exceeding 40,000, which shall have been employed in the States when raised, and raised

for twelve months, to be officered by the States, and the adjoining States; also, authorized to receive 40,000 volunteers, to be officered by the authority of the United States, (4th section.) And that the whole number of State troops and volunteers shall not exceed 80,000 men.

The foregoing, until we come to the act of 1836, is the whole of the legislation of Congress on the subject of volunteers.

It appeared, then, that the States regard volunteers as not militia; that the Government of the United States—that Congress in all its legislation on the subject, have regarded them not as the militia of the States, but as troops enlisted in the service of the United States. Whenever the Executives of the States were authorized to receive volunteers instead of militia, they appointed the officers. They were then State volunteers. But in every solitary instance, as he had shown, except the act of 6th February, 1812, volunteers who were engaged in the service of the United States were officered by the authority of the Government of the United States; and that act of 1812, as he had before shown, on the recommendation of Mr. Madison, was immediately changed.

Mr. B. should not undertake to define whether the volunteers are militia men, or whether they are regular troops of the United States; but he thought it was apparent that the legislation of the United States has considered them not the militia of the States, for he had shown that when so engaged they have been by acts of Congress exempt from the performance of militia duty; and the authority of the militia laws over them has been entirely withdrawn. He did not perceive that there was any just ground of constitutional difficulty here. If it was a mere doubtful question, he thought this concurrence of the action of our own Congress ought to be entitled to grave consideration. When, then, they considered that the efficiency of these troops were so dependent upon the mode of officering; when they remembered there has been an unbroken series of legislation in favor of this bill, he trusted this House was not about to adopt another principle, and refuse to authorize the President to officer the volunteer troops called into the service of the United States.

Mr. THOMASSON adverted to the advantages the State authorities have over the Federal, in the selection of these officers, specifying especially the greater certainty that they would choose officers of better general qualifications, and enjoying in a greater degree the confidence of the troops.

But another and more serious reason was, that he did not want to see any more power in the hands of one man in this Government than is now in the hands of the President. He understood, if the field officers came in under the laws of the several States, they are still responsible to all the rules and regulations of the army; they are under the control of superior officers, commissioned by the President of

the United States with the advice and consent of the Senate. What injury, then, could follow? If the line had never been drawn heretofore, let them fix it now, and make the regulation, that whenever any other force than the regular army of the United States shall be brought into service, they shall be officered by the States. Some definite rule of action should be fixed. He was for taking the stand; let the Military Committee of the House, if necessary, draft a bill, and let them pass it, giving to the States the appointment of the officers for their own forces.

Mr. HARALSON said: When he made a few remarks upon this subject, a short time since, he moved the previous question at the suggestion of friends around him, but contrary to his own inclination. It was done barely to conform to what he supposed was the wish of the House. As that motion was not sustained, he would avail himself of the opportunity of presenting a few views upon the merits of the bill, and the necessity of speedy action upon it. There was no necessity for a reference of it to the Committee on Military Affairs. Its principles had been well considered by that committee, for the original bill which they had reported to the House, and received its sanction, contained in substance the same provision now sought to be carried out by the bill under consideration. The 6th section of that original bill, reported from the Committee on Military Affairs of the House, after providing for the organization of the volunteer force called into the service of the country into brigades and divisions, directed the President, "by and with the advice and consent of the Senate, to appoint the generals of brigade and division, and the general staff as now authorized by law." After it passed the House, this provision was stricken out in the Senate, and gave rise to the necessity for the supplemental bill which was approved on the 18th of this month, and which originated in the Senate, as was intended, to complete the organization of the brigades and divisions, but which, it seems, there will be great difficulty in executing, if even it should not be found totally impracticable—especially the 2d section of it.

The difficulty resting upon the minds of many gentlemen is in drawing a proper distinction between the militia and a volunteer force. The clauses of the constitution under which these different descriptions of military force are called into the service, are very different. That under which the volunteer force called into the service under the act of the 13th May, providing for the prosecution of the existing war with Mexico, and under which that act was framed, will be found among the enumerated powers of Congress. It is "to raise and support armies"—not relating to the militia, but to some other mode of raising them, such as has been adopted in this instance. This distinction will be the more apparent by reference to the very next clause but one in the constitu-



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tion, which refers to the militia distinctly, and gives to Congress the power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and to repel invasions." The distinction was clearly illustrated by the gentleman from South Carolina, (Mr. Burr,) and has been acted upon from the earliest days of the Republic to the present time. The whole history of the legislation of this Government from the very first has shown a decided distinction between a volunteer and a militia force of the country. Another clause of the constitution relating to the militia, and which has tended no little to confuse this subject, is the very next to that to which I have last adverted. It declares that Congress shall have power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress." This has been construed into a reservation of the power on the part of the States to appoint officers to the volunteer force which the General Government may ask of them to supply in any emergency, and a consequent prohibition to the General Government to exercise that power. The error consists in not drawing a proper distinction between volunteers and militia; and if that is done, the difficulty is at an end. The militia are called for by requisitions on the States; volunteers are only invited, generally through the Executives of the States; and if they should not respond favorably to the invitation, you have no power, under laws passed authorizing volunteer service only, to resort to drafts, which may be done under requisitions for militia. Under an act authorizing the President to accept the services of volunteers only, you cannot resort to drafts. The power to raise a volunteer force is not found in the clause which "provides for calling forth the militia to execute the laws of the Union," &c., but in that which gives Congress the power "to raise and support armies." It is, however, due to the patriotism of our people to state that frequently, although it is not always the case, requisitions upon the States for militia are supplied by volunteer service, without the alternative of a resort to draft; and in such cases they might, and I have no doubt would, be considered volunteer militia; and the States from which they might be raised would have the right to appoint the officers under the reservation to them in the constitution. But when the original invitation is only for volunteers, under an act which authorizes volunteer service only, and where there is no requisition for militia, nor authority to resort to drafts, nor the interposition of State authority, required to enforce a compliance with such invitation, I think it cannot be considered any violation of the constitution for general officers,

to receive their appointments from the General Government; and this course is sustained by the universal practice of the Government.

The second section of the supplemental bill, approved the 18th instant—indeed, the entire bill, as introduced into the Senate—was intended, as I am informed, to supply the deficiencies in the act of the 13th May, created by striking out a part of the sixth section of the bill as it passed the House. It was therefore made to conform to the views of those gentlemen in the Senate who differed with the views of the House in regard to that section. That section has been found wholly impracticable, so far as some of the States are concerned. It would not be found impracticable in my own State; for, although we cannot boast of our militia organization, it seems we are in a far better condition in that respect than some of the other States. In some, I understand there is scarcely the vestige of a militia organization left. In some, the general officers hold their commissions only for a few years, when they go out, and others are elected to supply their places. It is impossible that the President can know, in such cases, whose commission will last during the twelve months, for which time the volunteers are called into the service. Again: under the laws in force before the act of the 13th May, the militia could not be called out for a longer period than three months, and by that act for no longer period than six months. Suppose the President undertakes to execute the second section of the supplemental bill, and should call out commissioned State militia officers, and send them into the service: you can, by the law, as it now stands, compel him to serve only six months; and if he should do so from any cause, however important his services might be at such a time, at the expiration of the six months, he could quit the service, or place the army in a worse condition by insubordination, and there would be no power in your court-martial to hold him to account for it, for you cannot detain him in the service longer than six months. This is scarcely a supposable case—one not likely to occur—patriotism would forbid it; but it is important to the service to have such officers as may be compelled, both by patriotism and by military law, to the discharge of every duty.

Mr. McCLENNAN said that he apprehended that the bill had been sufficiently debated to enable the House to arrive at a proper understanding of its merits. It appeared to be drafted in exact conformity with the law of 1812, for a similar purpose. That law had resulted from the suggestions of experience; this has also. So far as the constitution may be involved, we have the sanction of an approving precedent. The President is charged with the prosecution of the war, and we should place in his possession the means of prosecuting it vigorously and successfully; and he would be responsible for the event. The exigency of

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the occasion requires action rather than words. Mr. McC. therefore moved the previous question.

The question being taken, the vote stood—ayes 88, noes 58.

So there was a second.

And the main question was ordered to be now taken.

Which main question was first on the amendment of Mr. COCKE, and then on ordering the bill to a third reading.

Mr. COCKE asked the yeas and nays thereon, which were ordered, and, being taken, resulted—yeas 61, nays 88.

So the amendment was rejected.

The bill was then ordered to a third reading, and having been read a third time, was passed.

#### IN SENATE.

TUESDAY, June 30.

#### *The Warehouse Bill.*

On motion of Mr. DIX, the Senate, as in Committee of the Whole, resumed the consideration of the bill to amend an act entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes."

Mr. HUNTINGTON referred to the statement of the Senator from New York, (Mr. Dix,) that this bill was simple in its details; in which he entirely concurred. But he regarded the principle it involved, as deserving the serious attention of the Senate. The Senator from New York was perfectly competent to frame any bill. Did he not believe this to be the case, he would have supposed the present bill to be the work of some merchant of great wealth, who had framed it to promote his own individual interests, without reference to its general effect on the commercial interests of the country.

Mr. H. viewed the measure as one of a series, the objects of which were to restore a hard money currency, to reduce the tariff, and to play into the hands of the foreign importer. It was only to the bill before the Senate that he proposed now to speak.

The chairman of the Committee on Finance had stated, that it was the desire of the committee that action should take place on this bill previous to the consideration of the Sub-treasury bill, because this measure was to prepare the way for the Sub-treasury system, and to obviate the evils which might result from the specie clause in the Sub-treasury bill. He thought it a false principle to adopt measures in advance to remedy evils which it would be wiser to avoid altogether.

A reduction of the revenue he regarded as the certain effect of the introduction of this warehouse bill. He referred to the opinions of Mr. Williams, surveyor at Boston, in a letter to the Secretary of the Treasury, stating that he

believed the effect of a warehouse system would be, in the first year, a reduction of 25 per cent. in the revenue. He also referred to the authorities of the collectors at Boston and New York, similar in their import. From these he inferred the certain reduction of the revenue for the first two or three first quarters after the passage of this bill.

He regarded the bill as very imperfect in its present shape, and that it could not command any votes, without a recommitment and revision of its details; and he proceeded to point out the portions which contained these defects. The postponement of the payment of the duties would enable an importer to avail himself of any change of our policy, by means of the telegraph, to enter his goods between the passage of a law and its signature by the President, and thus to benefit himself to the injury of the revenue. Again: the perishable character of many articles of importation would prove a source of loss to the Government. Another evil would be the conversion of the public warehouse into a mere retail shop, because the importer, while prohibited from removing his packages, might take out a roll of ribbons, or any other item, for the purpose of sale. Again: the importer ought to be required to give bond for the payment of duties, before he can take the goods out for home consumption. There is no such provision. Nor is there any penalty in the bill against the clandestine removal of goods, or any kind of frauds which may be perpetrated. Other points he also presented, as indicative of the imperfect state of the bill, and as showing the necessity of recommitment.

He then proceeded to an examination of the general principle of the bill, which he regarded as fraught with mischief to the country. It abolished the cash system, and introduced the worst description of credit. He considered that the warehouse system of Great Britain, which had been recommended to our adoption by the New York Chamber of Commerce, was not the liberal system which had been represented. It was established principally in reference to her South American trade. Brazil and other southern ports had no shipping, when the system was introduced, and it was important to obtain the products of these ports for the use of British manufactures. The Commissioners of the Treasury were authorized to select the ports where the warehouses should be established, as well as the kind of goods to be warehoused, and to regulate how and when they should be received. Every thing was intended to subserve British interests exclusively. All the important articles of importation were obliged to be warehoused for re-exportation in the three great ports of London, Liverpool, and Bristol. East and West India produce was excluded, as well as almost all articles of manufacture which could come in competition with the manufactures of Great Britain. No ar-

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ticles of wool or cotton were to be found in their warehouses, except piece goods from India.

Such was the working operation of the free trade system of Great Britain, so far as the warehouse policy was concerned. Even with regard to her breadstuffs she has taken care of her own interests, avoiding the taxation of any one interest without providing for it an equivalent. The French understood this perfectly; and to prove this, he read from the debates in the French Chamber of Deputies.

He went on to show that this system was not adapted to a country without colonies.

He would not say that a warehouse bill could, or could not be framed, which might benefit some interests without injury to others. He felt surprise that the Senator from New York should have designated this bill as an extension of the storage system established by the act of 1799, which was intended only to secure to the Government the payment of the duties by bonds; as the act of 1842 provided for their payment in cash. Under any circumstances, they were to be sold after being in store nine months. The leading minds of our country had never thought it wise heretofore to introduce the warehouse system, and this bill he regarded as a mere experiment.

Our present system is working admirably, and it is a wise maxim that we should let well enough alone. The mercantile system has become accustomed to the debenture system, and to repeal it would be inequitable. You are now seeking to abolish the system which has made the duties secure, and to substitute a hazardous credit. The Senator from New York admits that the present cash system works well, but he complains that it is too stringent on the commercial interest, and this bill is intended to relieve it by giving time to pay the duties, so that they may not be demandable before the goods are taken out for consumption.

He described the persons who would in fact be benefited: 1st, the large capitalists, who could afford to keep their goods in warehouses; 2d, the foreign merchants; and 3d, the factors of the foreign importer. The only fact which he could find on which this bill was founded, was an expression in a memorial of the Chamber of Commerce, of New York, against the Sub-treasury bill, that if that bill should be passed, it would be well previously to pass a warehouse bill. Respectable as the Chamber of Commerce is, the small merchants do not belong to it, and they neither desire nor can afford to take the benefit of this warehouse system. These have not asked for the adoption of the system. If they desired it, they would have been heard here on the subject. We should have had their memorials complaining of the stringency of the present policy, and asking for a change. Is it the jobbing merchants, whose business it is to put their goods on the shelves, whence the markets of the country can be supplied, who are to be bene-

fited by this system? No; they only desire to sell their goods as speedily as possible, on the homely principle that a nimble sixpence is better than a slow shilling. They will pay the duties, and circulate the goods. It is only the foreign merchant who will be benefited. He read extracts from letters which he had received from merchants, sustaining the views he had presented.

He was convinced that while only the foreign merchant could be benefited, at the expense of our own merchants, by this bill, it would be unwise to pass it. The foreigner could warehouse his goods, safely and cheaply, for three years, without being compelled to pay the duties. He can sell the goods out as he finds customers; and by continuing the practice of invoicing his goods at a cheaper rate than the American merchant can, he will always place himself in a more advantageous position, and the effect would be to drive the latter out of business.

He denied that the American shipping merchant would derive benefit from this bill, and that it would throw the carrying trade into his hands. That interest was already protected by our navigation laws, and he was willing to give it still greater protection. The goods can be brought here cheaper by foreign vessels. They are built cheaper, and navigated cheaper; and they who desire to warehouse their goods will seek the cheapest modes of conveyance. If they are longer on the voyage, it matters not; because the goods are to be warehoused. The foreign vessels are admitted on the same terms as the American into our ports, so that, in this respect, our vessels had no advantage over the foreigner. On these facts, he felt confident that the carrying trade would be in the hands of the foreign shipping merchant, instead of the American.

It had been argued that this system would be for the benefit of the small ports. He contended that the great market would be in New York, and that Boston, Philadelphia, Charleston, and New Orleans, could not expect to compete with her. It was the unavoidable course of things, and no law could change it.

A majority of the Memphis Convention reported in favor of the warehouse system. The report of the minority afforded him some extracts on which he founded some remarks.

It had been alleged that this system would enable the foreigner to make up an assorted cargo at our warehouses for re-exportation. He insisted that foreign vessels would not come here for an assortment, but would prefer to go to the place of production. It would be out of the way, and more expensive to come here for them.

But one of his strongest objections to this bill was, that it is founded on a repeal of the cash duties, a system which had worked admirably. He reviewed that system in all its various workings. The present bill not only gives a credit on the duties to the importer, but it

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also gives him a credit in the amount of his capital besides, and it introduces all the evils which the cash duties were intended to abolish.

The warehouse system would introduce an excessive importation, a fluctuating market, and numerous bankruptcies. Foreign goods, which will also find their best market here, will come in more plentifully in consequence of the new facilities given by this bill, and thus we shall become overstocked with foreign produce. The redundancy of supply and forced sales which preceded 1842, were corrected by the law of that year which introduced the cash system. The effect of this bill would be to break down that system.

He predicted that if this bill were adopted, in less than three years New York would demand an appropriation for a warehouse as large as her custom-house; and other ports, also, would require their public warehouses. An army of officers will be required, frauds will be multiplied, and numberless other evils will be introduced, from which we are now exempt.

He would not say that a warehouse system might not be adopted which would be free from objections, but he saw too much danger in this bill to give it his sanction. He invoked the Senate to look at the question calmly, and in all its practical bearings, and to decide if it would not be the most wise course to let this bill sleep quietly on the table.

Mr. ARCHER moved that the further consideration of this bill be postponed until to-morrow, and that it be made the special order for to-morrow.

Mr. DIX assenting, the motion was agreed to.

Mr. CALHOUN submitted an amendment, which he proposed to move when the bill to graduate and reduce the price of the public lands should again come up for consideration; which was ordered to be printed.

#### *Retrosession of Alexandria.*

On motion of Mr. ARCHER, the Senate proceeded to the consideration of the bill for the retrosession of the city and county of Alexandria to the State of Virginia.

Mr. ARCHER observed that he was willing that the vote should be taken upon the bill without discussion, provided the opponents of the bill offered no remarks upon it which would force them into a discussion.

Mr. BENTON said this was a case in which he desired to vote with a majority of the inhabitants of that portion of the District which it was proposed to surrender to the State of Virginia; but he did not at present know what the wishes of that majority were.

Mr. ARCHER observed, that one of the clauses of the bill now before the Senate provided that the bill should not take effect until the wishes of the inhabitants were ascertained by a vote, to be taken in the manner provided for in an-

other clause of the bill, to wit: the vote of the white inhabitants of six months' residence.

Mr. HAYWOOD said the bill had been referred to the committee of which he had the honor to be chairman, and it was perhaps proper, therefore, though he had no intention of making a speech upon the subject, that he should draw the attention of the Senate to the fact that the bill provides for taking the sense of the people of the county and city of Alexandria before the bill should go into effect. The committee, however, thought it worthy of consideration, whether it was not the desire of change which prompted the introduction of this innovation, rather than the necessity for the innovation. If there was any particular evil to be remedied by diminishing the extent of the ten miles square, the committee had not been apprised of it; if any particular good to be obtained, they were not apprised. When the retrosession was first suggested to the consideration of the Senate, doubts were entertained by many how far it was competent for Congress to recede what the constitution had for a particular purpose authorized them to accept. The States of Maryland and Virginia had ceded this territory to Congress, to be taken under its exclusive jurisdiction for the seat of Government; and Congress, in the execution of that intention, solemnly declared by enactment its acceptance of the grant, and that this District should be perpetually the seat of Government. Individual citizens of the District, a minority, if they chose to assume that they were so, had purchased property and become residents of the county under this pledge; and unless there was some evil to be remedied, or decided advantage to be gained by the change, which would compensate those citizens, where was the propriety of violating that pledge? He had been unable to see any necessity for it. It was equally the duty of the Government to protect minorities and majorities; and a majority could have no absolute right or authority to compel retrosession if additional burdens were to be imposed as a consequence upon the minority. He spoke not in reference to any constitutional objection, but merely in reference to the act of Congress constituting this District the perpetual seat of the Federal Government.

There was another difficulty which the committee found somewhat embarrassing, and it was, whether the State of Virginia or of Maryland owned the Potomac River at the time of the cession. If the county of Alexandria were ceded to Virginia, it might possibly be the means of reviving the contest, and making it a contest between Virginia and the District. This would be a matter of very considerable importance to the city of Georgetown. If the bill was to be passed, he thought it ought at least to be amended so as to make it more definite, and that the river should be kept within the United States jurisdiction. It might be of importance that the jurisdiction of

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the United States should not be limited at all. He believed the Senator from Massachusetts had expressed a desire to offer some remarks upon this question. He did not perceive that Senator now in his seat; for his own part, he would be perfectly willing that the vote should be taken without discussion.

Mr. MILLER said he was inclined to think that the subject was of more importance than he had at first view supposed. His first impressions were in favor of the bill, for he supposed that the whole matter depended very much upon the wishes of the people of Alexandria and Virginia. But, upon an examination of the subject, he found himself in great doubt as to whether Congress had the power to pass such an act; and, even if they had the power, he was perfectly convinced that it would not be good policy to do it.

Mr. M. then went into an argument upon the subject of the power of Congress in this matter, contending that if Congress had the power to cede away any part of the District, they had the power to cede the whole, and thereby entirely defeat the intention of the constitutional provision in regard to the seat of Government. Instead of doing this, he hoped that Congress would, by a wise and liberal policy, make it the interest of the residents of all parts of the District to continue within the same jurisdiction.

Mr. PENNYBACKER replied to the arguments of the Senator from New Jersey, and maintained that Congress possessed the power to cede a portion of the District to the State of Virginia. He contended further that the portion proposed to be ceded did not, in contemplation of the first law that was passed on the subject, constitute a portion of the ten miles square at all.

Mr. JOHNSON, of Maryland, moved that the Senate adjourn; which was disagreed to—ayes 16, noes 18.

On motion of Mr. BENTON, the Senate, not having come to any vote upon the bill, at about half-past three o'clock proceeded to the consideration of Executive business, and, after some time spent therein, the doors were reopened, and the Senate adjourned.

THURSDAY, July 2.

*Retrocession of Alexandria.*

Mr. ARCHER moved that the prior orders of the day be postponed, and that the Senate resume the consideration of the bill for the retrocession of the town and county of Alexandria to the State of Virginia; which motion was agreed to.

The bill was then considered as in Committee of the Whole, when

Mr. R. JOHNSON rose and stated that, as a member of the Committee of the District of Columbia, and as having voted in committee in favor of this bill, he desired to state the

grounds on which he had formed his opinion. He went into a review of the constitutional provision relative to the establishment of a seat of Government, and to the proceedings of Congress with regard to its location within this District, and insisted that there was nothing in either to prohibit a retrocession of the ten miles square to the States from which it was taken, or any portion thereof. He supposed that an absolute necessity might arise for the removal of the seat of Government, from the possession of this District by an enemy. Could not Congress fix on another seat for its deliberations? and, in that case, could it not cede this District back to the States to which it originally belonged? He stated that Alexandria complained of having been neglected by Congress, and he presumed she had good reason for this complaint; for it was only reasonable that Congress should be more favorable to the portion of the District which was more immediately the seat and scene of its labors.

Mr. MILLER briefly replied, maintaining that Congress had no power to receive a cession of the soil and sovereignty, except for a specified object; and that the object of this cession being the establishment of the seat of Government, it could not be retroceded without the abandonment of that object. He thought a great number of the citizens of the county, being out of the city of Alexandria, were opposed to retrocession.

Mr. HANNEGAN made a few remarks in favor of the bill. The citizens desired to be restored to their original rights, and we have no right to refuse them.

Mr. CALHOUN then rose, and said that he had not been able to discover any valid reason why the retrocession should not be made. The first and great point for consideration was, whether, by this retrocession, the object of the cession would be impaired? He could not see how any evil result could possibly follow. It was a detached portion of the District, lying on the other side of the river, and in no way calculated to facilitate the legislation of the General Government. Nor did he see how any acquired rights could be injured. He did not see how the retrocession could injuriously affect the county of Washington, as he believed it was called, or Georgetown. The next question then was, Was there any serious constitutional objection? According to his judgment there could not be any such, unless there was somewhere in the constitution a prohibitory clause. It was in the power of the Government to remove its seat if it thought proper, unless there was some express provision to the contrary. Now, he saw no such provision in the constitution. It belonged to gentlemen to prove that the retrocession would be unconstitutional. If they had a right—which he held to be incontestable—to remove the seat of Government, the right of parting with any portion of it was apparent. Nor was there, in his opinion, any violation of a pledge on the part of Congress,

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as argued by the Senator from North Carolina, (Mr. HAYWOOD.) The act of Congress, it was true, established this as the permanent seat of Government; but they all knew that an act of Congress possessed no perpetuity of obligation. It was a simple resolution of the body, and could be at any time repealed. Although he thought that Congress had the power to remove the seat of Government, yet he was not to be understood as supposing that it would ever be expedient or wise to remove it. He could not concur in the views presented by Mr. Madison on the subject of the location of the seat of Government, and read yesterday by the Senator from Virginia, (Mr. PENNYBAKER.) Mr. Madison made an elaborate argument in favor of the position that the seat of Government ought to be in the centre. As far as the seats of government of the States were concerned, that might be a just argument; but the history of the world would show that the seats of national government never were, or scarcely ever were, situated in the centre, and there was reason for that general arrangement. They were always situated on the frontier the most exposed. Where was London, the seat of the British Government? On the south-east frontier of the kingdom, looking towards the continent of Europe. That of France, Paris, was in the most exposed position. So with regard to the seat of Government in Russia, and so, indeed, with regard to the capitals of all the chief nations of the world. In the nature of things it must be so. Now, if that was true in the general, it was pre-eminently true of this Confederacy; for the Federal Government looked almost exclusively to their foreign relations. And here it had been wisely located; and here, in his opinion, it would continue, so long as the institutions of the Republic endured. If the seat of Government was ever changed, it would be in consequence of some other cause than the retrocession of Alexandria, which could not possibly in any way affect that matter. There might be a change from disruption, or in consequence of some strong local interest prevailing, though under their equal system of Government, that was hardly to be feared. If great inconvenience would arise to members at distances extremely remote, murmurs might originate, and produce such a change. Yet, even on that score, there was not much ground for apprehension, as the equitable arrangement of mileage had placed members on a perfect equality, those farthest removed, and whose home and family associations and affections were most interfered with, receiving appropriate compensation. As it was evident from the temper of the Senate that the bill would pass, he would not longer detain them by any remarks.

Mr. ASHLEY inquired what effect would be produced by the retrocession with regard to the debt of Alexandria?

Mr. CALHOUN said there were abler lawyers than himself in the body; but he supposed that

not the slightest effect on the debt would be produced.

Mr. PENNYBAKER expressed the same opinion.

Mr. ALLEN expressed his regret that the discussion had passed beyond the bill, and added, that he rose only for the purpose of dissenting from the views expressed by the Senator from South Carolina (Mr. CALHOUN) in regard to the location of the seat of Government. He (Mr. A.) had no intention to agitate the question of changing the seat of Government. It might not be proper to do so at the present time; but the general reasons urged by the Senator from South Carolina would give it an eternity of location at this point, and it was to that idea that he (Mr. A.) objected. The Senator had alluded to the example of other nations of the world—to those ancient monarchies where the location of the capital was a matter dependent upon the caprice of the court, and not the convenience of the people. Was it to be supposed for a moment that such examples were proper for the imitation of this Confederacy? No. He thought that the United States should on that very ground adopt a different policy. The location of the seat of Government near the seaboard in the vicinity of the commercial cities, gave to those cities a preponderating influence in the counsels of the Congress of the United States, five hundred fold to one over the influence exerted by a corresponding number of people situated in the vast interior. They had no committees from the banks of the Missouri, the Mississippi, or even of the Ohio, "lobbying" in these halls to regulate tariff duties. No. They had no companies of individuals in those western regions, and delegated to the Capitol with the view of obtaining laws to meet the wishes of individual and sectional interests, instead of the wants and wishes of the great mass of the nation. The whole tendency of the Government since its foundation had been to place itself exclusively under the control of the commercial interest: and this pernicious tendency had been produced by the location of the seat of Government near the great influential commercial cities on the seaboard. He might present many illustrations of this fact. Before the telegraphic communication was established, when a bill was introduced into Congress, Wall-street had notice of it, if necessary, in fifteen hours, and in fifteen hours more the cars brought a delegation from Wall-street to regulate the details of the bill. Thus had their tariffs been formed—thus had the commercial interests overruled all others from their proximity to the Capitol. The great mass of the people—four-fifths of them—lived on the soil, and obtained from it subsistence. It was in their centre that the seat of Government should be located. These were his opinions, and he stated them not as having any immediate bearing on the bill before the House, but in opposition to the views expressed by the Senator from South Carolina, whose re-

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The Tariff.

[JULY, 1846.]

marks were always entitled to high consideration, and carried with them great weight.

Mr. CALHOUN again rose, and stated that it happened, that at the Memphis Convention—a body composed of six hundred members, possessed of great intelligence, and representing almost exclusively the interests of those who lived upon the soil—a resolution was offered recommending a change of the seat of the General Government. A most extraordinary sensation was produced, and when the resolution was submitted, there was one loud-toned, overwhelming “no” opposed to the solitary voice of the mover.

Mr. ALLEN. Where was that?

Mr. CALHOUN. At the Memphis Convention.

Mr. ALLEN. Ah! that proves nothing. The only difficulty has been the choice of another site, and the contesting claims have been so numerous, that the change has not been, ere this, seriously mooted.

Mr. WESTCOTT was in favor of the bill, because it relieved the people of Alexandria from a galling disfranchisement, of which he knew something by experience.

Mr. ARCHER advocated the bill in a long and able speech.

Mr. HAYWOOD opposed the bill, and in an eloquent manner contended for the sacred immunity of the constitution, and the wise arrangement of the sages of the Revolution. He also argued the constitutional question at considerable length, and with characteristic ability.

Mr. PENNYBACKER replied.

Mr. BREESE regarded the bill as unconstitutional.

The bill was then reported to the Senate; and the yeas and nays being called for on the question of ordering it to be engrossed for a third reading, they were ordered, and, being taken, resulted as follows:

YEAS.—Messrs. Allen, Archer, Ashley, Atchison, Atherton, Barrow, Benton, Calhoun, Cameron, Chalmers, Cilley, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Fairfield, Greene, Hannegan, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, Morehead, Pennybacker, Ruak, Sevier, Simmons, Turney, Westcott, and Yulee—32.

NAYS.—Messrs. Breese, Bright, Dickinson, Dix, Evans, Haywood, Houston, Huntington, Mangum, Miller, Niles, Phelps, Sempie, and Sturgeon—14.

So the bill was ordered to a third reading.

Mr. ARCHER asked that the bill be put upon its third reading now.

No objection being offered, the bill was read a third time, and passed.

The title of the bill as passed is as follows, viz.: “An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia.”

## HOUSE OF REPRESENTATIVES.

THURSDAY, July 2.

## The Tariff.

On motion of Mr. G. S. Houston, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CORB, of Georgia, in the chair,) and resumed the consideration of the bill to reduce the duty on imports.

Mr. McKAY, chairman of the Committee of Ways and Means, made a general exposé, as far as his brief hour would allow, of the financial condition of the Government with reference to the peace establishment, as well as to the extraordinary expenses of the subsisting war with Mexico, and of the calculations on which this bill was based, and the probability of its yielding sufficient revenue to meet the wants of the Government.

He first reviewed the financial history of the Government, both as to its receipts and expenditures, for the three years of the present law, and in view of the circumstances of great public emergency under which that act was passed, (with the intention of making it only a temporary measure,) of the oppressive and monstrous provisions it contained, and of the absolute necessity, before any quiet could be secured, of making at least a trial of the anti-restrictive system. Assuming that some change was required, he proceeded to inquire whether the bill proposed was a suitable measure:

## I. UNDER THE PEACE ESTABLISHMENT.

First, as to *expenses*: for the last three years, (excluding extraordinary means for the war, and preparations for it,) they have averaged a little less than \$21,000,000; for the present year they might be stated at \$21,000,000; but, for entire safety, he would estimate them at \$24,000,000—a large and liberal estimate.

Second, as to *revenue*: if the amount of imports were increased, as the Secretary estimated, in case the bill went into operation, by the amount of \$14,258,000, (the gentleman from New York, (Mr. HUNGERFORD,) admitted a probable increase of five or six millions,) the bill, without raising at all the rate of duty proposed by it, the Secretary estimated, would produce \$24,500,000 net, and upon subsequent estimate, he thought it might go to \$26,000,000. But Mr. McK. did not go so far; for greater security, he assumed it to be only \$22,000,000.

The Secretary estimated receipts from sales of the lands at \$2,400,000. Mr. McK. adopted this estimate. Then, according to Mr. McK.'s estimate (as above) for the *peace establishment*, the expenditures for the current fiscal year would be . . . . . \$24,000,000

Receipts from the bill

of the Committee of

Ways and Means . . \$22,000,000

Receipts from the sales

of lands . . . . . 2,400,000

24,400,000

JULY, 1846.]

Thanks of Congress to General Taylor.

[29th CONG.]

## II. WAR ESTABLISHMENT.

If this Administration does the duty it owes to the country, and to humanity, it will bring this war to a close, as he believed it ought to do, whenever Mexico will consent to the establishment of our boundary at the Rio Grande, and will give sufficient guarantee of indemnity to our citizens. He was opposed to a war of conquest—to despoiling Mexico of a single part of her territory. He believed the Administration had done its duty—nothing more than its duty—all that it could do to avert this war, which was forced upon us. If this course were pursued, the war might be closed in six months—perhaps in three months. Calculations from the proper officers of the various departments placed the expenditures of the war for the year at \$22,000,000. We have now, according to the returns from the Treasury Department, published this morning, in the treasury, available for the service of the current year, \$9,300,000. If, then, the war were brought to a close, as he hoped, in three to six months, this sum would be ample to defray its expenses; and he did not propose to raise additional revenue for the war.

The \$9,300,000 now on hand in the treasury, he estimated, then, would be ample for the three to six months' war, (which he hoped would be its limit.)

But in case the war unfortunately should not thus soon be terminated, under the instruction of the Committee of Ways and Means, he should report a bill authorizing the issue of treasury notes, or a loan, to meet its expenses.

He mentioned, in the course of his remarks, as an important fact which called for a change of the present tariff, that in its returns it was stationary at best—in fact retrograde—the amount of revenue under it for the year just closed being less than in the year previous.

At the instruction of the Committee of Ways and Means, (though against his own judgment,) he gave notice also that he should move to strike out the duty on tea and coffee, and certain amendments, which would probably increase the revenue \$1,500,000, making a revenue, on Mr. Walker's estimates, of near \$28,000,000; according to his own, \$23,500,000.

Mr. NORRIS followed in defence of the bill of the Committee of Ways and Means, and in reply to gentlemen who had preceded.

Mr. DAVIS, of Mississippi, obtained the floor, but two and a half minutes remaining of the time allotted to debate, and proceeded to repel certain attacks made upon Secretary Walker in the course of the debate.

The hour of two having arrived, the committee, in pursuance of the order of the House, proceeded to vote.

And the main question, "Shall this bill pass?" was taken, and decided in the affirmative, as follows:

YEAH.—Messrs. Stephen Adams, Anderson, Atkinson, Bayly, Bedinger, Benton, Biggs, Jas. A. Black, Bowlin, Boyd, Brinkerhoff, Brockenbrough, Wm. G. Brown, Burt, Cathcart, Augustus A. Chapman, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Collin, Cullom, Cunningham, Daniel, Dargan, Jefferson Davis, De Mott, Dobbin, Douglas, Dromgoole, Dunlap, Ellsworth, Faran, Ficklin, Fries, Giles, Goodyear, Gordon, Grover, Hamlin, Haralson, Harmanson, Henley, Hilliard, Hoge, Isaac E. Holmes, Hopkins, Hough, George S. Houston, Edmund W. Hubard, James B. Hunt, Hunter, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Kaufman, Kennedy, Preston King, Lawrence, Leake, La Sere, Lumpkin, MacLay, McClelland, McClelland, McConnell, McCrate, Joseph J. McDowell, James McDowell, McKay, John P. Martin, Barkley Martin, Morris, Morse, Moulton, Niven, Norris, Parrish, Payne, Perrill, Phelps, Pillsbury, Rathbun, Reid, Relfe, Rhett, Roberts, Sawtelle, Sawyer, Scammon, Seddon, Alexander D. Sims, Leonard H. Sims, Simpson, Thomas Smith, Robert Smith, Stanton, Starkweather, St. John, Strong, Jacob Thompson, Thurman, Tibbatts, Towns, Tredway, Wick, Williams, Wilmot, Wood, Woodward, and Yancey—114.

NAYS.—Messrs. Abbott, John Quincy Adams, Arnold, Ashmun, Barringer, Bell, James Black, Blanchard, Brodhead, Milton Brown, Buffington, William W. Campbell, John H. Campbell, Carroll, Cocke, Collamer, Cranston, Crozier, Culver, Daragh, Garrett, Davis, Delano, Dixon, Dockery, Edsall, Erdman, John H. Ewing, Edwin H. Ewing, Foot, Foster, Garvin, Gentry, Giddings, Graham, Grider, Grinnell, Hampton, Harper, Elias B. Holmes, John W. Houston, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Jenkins, Daniel P. King, Leib, Lewis, Levin, Long, McClean, McGaughey, McHenry, McIlvain, Marsh, Miller, Mosely, Pendleton, Perry, Pollock, Ramsey, Ritter, Julius Rockwell, John A. Rockwell, Root, Runk, Russell, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Caleb B. Smith, Stephens, Stewart, Strohm, Sykes, Thibodeaux, Thomasson, Benjamin Thompson, James Thompson, Tilden, Toomba, Trumbo, Vance, Vinton, Wheaton, White, Winthrop, Woodruff, Wright, Young, and Yost—95.

So the bill was passed.

## IN SENATE.

TUESDAY, July 7.

Thanks of Congress to Gen. Taylor.

On motion of Mr. HOUTSON, the Senate took up for consideration the joint resolution presenting the thanks of Congress to General Taylor, and for other purposes; which was considered as in Committee of the Whole.

Several amendments were submitted and agreed to; and, after a discussion occupying nearly an hour and a half, while every one admitted the propriety of the vote of thanks, some differences of opinion were disclosed as to the phraseology in which it should be conveyed, a resolution was adopted *unanimously* in the following form:



1st Sess.]

*The Graduation Bill.*

[JULY, 1846.]

**JOINT RESOLUTION** presenting the thanks of Congress to Major General Taylor, his officers and men.

*Resolved unanimously by the Senate and House of Representatives of the United States of America in Congress assembled,* That the thanks of Congress are due, and are hereby tendered to Major General Zachary Taylor, commanding the army of occupation, his officers and men, for the fortitude, skill, enterprise, and courage, which have distinguished the recent brilliant operations on the Rio Grande.

**SEC. 2.** *And be it further resolved,* that Congress sincerely sympathize with the relatives and friends of the officers and soldiers of the army of the United States who so bravely fell in the service of their country on the Rio Grande.

**SEC. 3.** *And be it further resolved,* That the President of the United States be requested to cause the foregoing resolution to be communicated to General Taylor, and through him to the army under his command.

**SEC. 4.** *And be it further resolved,* That the President of the United States be authorized and requested to have a medal of gold procured, with appropriate devices and inscriptions thereon, and presented to General Taylor, in the name of the Republic, as a tribute to his good conduct, valor, and generosity to the vanquished.

THURSDAY, July 9.

*The Graduation Bill.*

The bill to graduate and reduce the price of the public lands was read a third time, and passed, by the following vote:

**YEAS.**—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Barrow, Benton, Breese, Calhoun, Cameron, Cass, Chalmers, Dickinson, Dix, Fairfield, Hannegan, Houston, Johnson of Maryland, Lewis, Pennybacker, Ruak, Semple, Sevier, Turney, Westcott, and Yulee—26.

**NAYS.**—Messrs. Archer, Cilley, Thomas Clayton, John M. Clayton, Corwin, Davis, Dayton, Evans, Greene, Huntington, Jarnagin, Miller, Morehead, Pearce, Phelps, Simmons, Upham, and Woodbridge—18.

**HOUSE OF REPRESENTATIVES.**

THURSDAY, July 9.

*The Graduation Bill.*

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. FICKLIN, of Illinois, in the chair,) and resumed the consideration of the bill to reduce and graduate the price of the public lands to actual settlers and cultivators.

Mr. GORDON, who was entitled to the floor, addressed the committee. He avowed himself in favor of the principle of a reduction of the price of the public lands to their actual value, but was opposed to this bill, as a bill not graduating the price of the lands to their value, nor yet a bill to give the lands to actual settlers, but a bill to give the lands to speculators, and the

States and Territories in which they lie, under the pretext of graduation.

Mr. PAYNE said the day had passed when an argument founded upon the natural rights of man to his due proportion of the soil on which he lives should be addressed to the House or the country. Yet, looking at the question in an abstract point of view, it would be very difficult to say how it was that a creature of God, placed upon this earth, and drawing his subsistence from that earth, should not have as much of it as was necessary to supply his wants. But this Government had thought proper to interfere with this natural law, and place a price upon our public lands.

One dollar and a quarter, he contended, was ample price for the best unimproved land in the remote sections of the country. He spoke from a knowledge of the facts. He estimated, even at this price to commence with, by the time they were cleared and brought into proper cultivation, they will have cost their full value—some \$10 or \$12. But as all lands were not of equal value, a graduation of the price would be just and equitable.

The question then was, what system shall be adopted? Mr. P. was not particularly wedded to this system. He was willing to go for any reasonable one which might be proposed. At the same time he would remark, that he was satisfied with the one proposed by this bill, with a very slight amendment.

Gentlemen seemed to oppose this bill on the ground that the price of all lands was to be reduced under it. This was not the case. The present minimum of \$1 25 would be continued for good lands. These would not go below that, but the graduations were applicable to inferior lands. Mr. P. recounted and defended the graduation provisions of this bill. It was founded on principles of common sense, and of that stern justice which should regulate the action of this, if it does not of other Governments.

In reference to the argument of Mr. GORDON, that this bill would redound to the benefit of speculators, Mr. P. had no sympathy for them, and he differed with him as to the effects of this bill upon them. He considered the present system better calculated to favor them. The swollen purse of the land jobber, aided too frequently by the moneyed institutions of the country, was too likely to monopolize the public domain, and then to deal it out in parcels, extorting from the poor settler the prices which he saw fit to demand.

With reference to the provision for the cession of lands not sold after exposure to sale for thirty years, the presumption, if they were refused for that time (he said) was, that they were worth nothing—not worth giving away. But he was opposed to it—to giving, or to a pretence of giving to the respective States of this Union. He hoped the day would come soon when the respective sovereignties of this Union would spurn all gifts, or semblances of

JULY, 1846.]

*The Warehouse System.*

[29th Cong.]

gifts from the General Government. He was opposed to this section of the bill; and he would suggest to the chairman of the Committee on Public Lands (Mr. McCLERNAND) if it would not be better—more in accordance with his own wishes and the wishes of the country—to amend it so as after thirty years to give it to any citizen who would settle on and cultivate it.

Mr. McCLERNAND said, with the permission of his friend from Alabama, he would make a brief explanation. Mr. McO. had reported the bill from the Committee on Public Lands with a full knowledge of all its provisions. The clause of cession, as he conceived, involved no constitutional difficulty. The constitution evidently contemplates that the several States shall occupy the same footing of equality and sovereignty under its provisions, in all respects whatsoever. The old States claimed, and exercised a jurisdictional and proprietary right over the lands within their limits. To deny the new States the same right, is to strike at their sovereignty in a vital point. The power of taxation is a vital attribute of sovereignty. The old States enjoy this power as well in regard to lands as in regard to personal property. The new States are denied this power in regard to the public lands before sale, and in several cases after sale, for five years. The Federal Government cannot take power beyond the pale of the constitution, nor can a State give it, except in the manner prescribed by the constitution; yet, by virtue of compacts, otherwise than in such prescribed mode, the new States are prohibited this vital power. The true and strict construction of the constitution would seem to be, that the act of admission admits each State to the proprietary right of the soil within its limits, and excludes from their limits the jurisdiction of the General Government to prevent the public lands from being entered upon by the citizen, by civil or criminal proceedings, or by military force.

Mr. McO. said that he was willing, however, for the sake of the success of the measure, and to bring to a speedy termination this invasion of State sovereignty, to vote for the amendment of his friend from Virginia, (Mr. DRUMGOOLE,) which fixed a minimum of five cents per acre upon the lands remaining unsold at the end of thirty years, upon the terms of the bill, to the States in which such lands may be situated.

Mr. G. S. Houseron called the attention of his colleague to the amendment he had offered, which proposed precisely the provision which his colleague now suggested—viz.: after the land had passed through the various gradations, it should be given to those who chose to settle upon it, by paying the fees of the officer.

Mr. PAYNE (resuming) disclaimed all idea of any imputation on the political orthodoxy of the gentleman from Illinois, and recapitulated the position just laid down. He expressed his satisfaction at the amendment of his colleague, and his hope that it would receive the sanction

of the House; and then proceeded to refer to some of the advantages of graduation:

First, instead of diminishing revenue, the very object of this bill was to increase it: First, directly from the sales of the lands; and second, indirectly, by the increase of the wealth and prosperity of the western country, and the consequent demand for imports, and bringing with them a proportionate increase of revenue, receivable through the custom-house.

Another advantage to which the statesman, philanthropist, and patriot, cannot fail to look with feelings of pride and exultation is, that it would tend to increase the number of the agriculturists of the country. He disparaged no class or profession, yet this was the noblest of all occupations—the foundation of all society and of all employments. The cultivators of the soil were the main reliance of the country in the hour of peril; and if the liberties of the country were ever to be trodden down by some ambitious usurper, the very last resistance would be offered by hands which had been inured to labor at the plough. He would, then, encourage them by all proper and constitutional means.

Again, it was important to the States as a matter of revenue, by enabling them to tax the lands within their respective limits; and also, inasmuch as it would tend to complete and perfect their sovereignty.

Mr. DARRACH obtained the floor, but yielded at the request of

Mr. McCLERNAND, on whose motion the committee rose, and took up the bill from the Senate to reduce and graduate the price of the public lands; which bill, having been read twice by its title, was referred to the Committee of the Whole on the state of the Union.

The House then again resolved itself into Committee of the Whole on the state of the Union, Mr. FICKLIN, of Illinois, in the chair.

On motion of Mr. McCLERNAND, the graduation bill of the House was laid aside, and the bill from the Senate was taken up and read.

Mr. VINTON obtained the floor, and yielded to a motion to rise;

Which prevailing, the committee rose and reported.

#### IN SENATE

FRIDAY, July 10.

#### *The Warehouse System.*

The Senate proceeded to the consideration of the warehouse bill: when—

Mr. SIMMONS rose and addressed the Senate at very considerable length against the general features of the bill, and giving it as his opinion that, so far from having a tendency to increase the revenue, it would diminish it at least one-half; that all large cargoes would be in warehouses; that it was not calculated to subserve the interests of moderate capitalists, as had been avowed; but that it would make in favor

1st Sess.]

*The Tariff.*

[JULY, 1846.]

of the large importer. He alluded to the present system of cash duties, under which every interest had seemed to improve, and which very improvement almost seemed to him to create opposition. All was going on well, why not let it alone?

Mr. DAVIS then rose and addressed the Senate with great force and at much length, against the idea of action on this bill until the sub-treasury bill had been disposed of. It was necessary or unnecessary, precisely as the sub-treasury bill should make it, being a measure collateral; and hence it was better in his opinion, not to act until the sub-treasury bill was disposed of. He desired to act on a measure of so much importance understandingly. Mr. D. then went on to show what he conceived would be the effect of the bill in its present shape. He said we had changed from a credit system to cash; and all must have a distinct recollection that none were so forward to denounce the credit system as the prominent Democrats of the day. It was said that it gave advantages to men of fictitious capital; that goods would be piled up in the warehouses, from thence they would be put up under the hammer; and their desks had been piled with documents to show that the business of the country had passed out of the hands of Americans, and was entirely absorbed by foreigners; and to get rid of all these evils and frauds they had voted for a home valuation and cash duties.

Mr. HUNTINGTON adverted to the fact that in the printed bill on their tables, as amended, the blank was filled up with "three years," but he appealed to the recollection of Mr. DIX to say whether the question had been decided by the Senate.

Mr. DIX moved to fill the blank with three years, and on that question, being the largest number, the vote had precedence.

The question having been put, it was decided in the negative.

Mr. CALHOUN rose, and addressed the Senate at some length in favor of the bill, deeming it a most important measure to the commercial and navigating interests of the country. The collection of duties in cash, he thought, acted most unequally, and was calculated to increase burdens very unnecessarily to the consumer.

Mr. WEBSTER avowed himself as a uniform supporter of the warehouse system, and still thought a bill might be matured that would be of considerable advantage to the mercantile community, without prejudice to other interests. Mr. W. then went on to give his views at large, and concluded by moving to recommit the bill to the committee, in order that it might be made to assume a shape, with the aid of his colleague in matters of commercial knowledge and detail, which would be likely to secure its passage.

On this question he demanded the yeas and nays; which were ordered.

Mr. DIX hoped the motion would not pre-

vail. If there were amendments to be offered on the other side, he was willing to give them a hearing, and if he deemed them essential, to adopt them; but to commit the bill at that late stage of the session might be to defeat it. Senators would bear witness with what assiduity he had endeavored from time to time to get up the measure, which had been before the Senate for six months. He could not now consent to any such proposition.

A very interesting debate ensued, in which Messrs. WEBSTER, AROHER, CALHOUN, ALLEN, SIMMONS, HUNTINGTON, and others participated.

When, at a late hour, the question was taken on the motion of Mr. WEBSTER to recommit, and decided in the affirmative.

MONDAY, July 13.

*The Tariff.*

The Senate, as in Committee of the Whole, proceeded to the consideration of the tariff bill.

Mr. LEWIS rose and addressed the Senate as follows: From my position in the Committee of Finance, it becomes my duty to present to the consideration of the Senate the result of such attention as I have been able to bestow on the bill now before this body. I regret that owing to the shortness of the time which circumstances have permitted for the examination of the bill, and from thus being deprived of much valuable aid which I might otherwise have obtained from the Treasury Department, my review of the provisions of the bill will be necessarily less perfect than I would have desired. In attempting the discharge of the duty now devolving upon me, I shall say nothing on the protective character of this bill, deeply as I feel interested in that question. I must leave that portion of the subject to other and abler hands, and examine the measure merely as a measure of revenue, with the view of ascertaining how far it will sustain the financial purposes of the Government. As may be readily conceived, one of the principal objections which will be urged against this bill, is that founded on the entirely ad valorem character of its provisions. It appears to be taken for granted by gentlemen, that ad valorem duties cannot be depended upon for revenue, and that in order to raise a revenue, or to fix the duties at such a rate as will secure any considerable amount of revenue, you must resort to specific duties. This proposition, in my judgment, is one of those axiomatic errors which, upon examination, will be found to be wholly fallacious. I think it will be found that ad valorem duties, which it is admitted by all are the fairest, inasmuch as they are more open and better understood, will be found fully adequate in raising revenue. But under what circumstances are these duties objected to? Under circumstances which would, on their very face, show—so far as I remember—that

they are more efficient than specific duties. By the tariff of 1842, the amount raised by ad valorem duties last year was \$15,722,811, raised from specific duties \$13,200,118, and that, too, although the principal articles of heavier consumption—iron, sugar, molasses, salt—all those articles, in fact, to which it was attempted to give the highest protection, paid specific duties. Now it appears, that under the ad valorem duties, we already raise much more than the half of our revenue; it therefore becomes our duty, before discrediting so large a source of revenue, to inquire into the objections urged against this ad valorem principle, so that it may at least be allowed a fair hearing. It is to this investigation that I now invite the Senate. One of the objections urged against ad valorem duties, is, that the revenue will be defrauded by false invoices. I ask, in reply, what adequate motive can a man have in making out a false invoice? In the first place, there are heavy penalties imposed on making out a false invoice? The offence is punished by imprisonment in the State prison; and if made out, even innocently, the forfeiture of one-half of the goods is almost certain. What, then, is to be gained, in the face of those penalties, by making out a false invoice? I hold in my hand a statement, which has been prepared with great accuracy, for the purpose of showing the amount which would be gained by undervaluation. [Mr. L. then explained the contents of the following statement:]

Supposed cost of goods abroad \$100; duties (20 per cent.) would be \$120; cost and duties equal to \$120. Supposed undervaluation 5 per cent., would leave \$95; duties 20 per cent. on \$95 would be \$19; cost and duties equal to \$119—\$100: gain on which is 85-100 per cent.

Supposed cost, \$100; duties 20 per cent., are \$20; cost and duties equal to \$120. At undervaluation of 10 per cent. is \$90; duties (20 per cent.) on which is \$18; cost and duties equal to \$118—\$2 00: or gain on which is 170-100 per cent.

Supposed cost \$100; regular duties are \$20; cost and duties equal to \$120. Undervaluation at 15 per cent., \$85; duties on which are \$17; cost and duties equal to \$117—\$3 00: gain on which is 255-100 per cent.

Supposed cost, \$100; regular duty is \$20; cost and duties \$120. Undervaluation at 20 per cent., \$80; duty on which is \$16; cost and duties \$116—\$4 00: gain on which is 344-100 per cent.

Supposed cost, \$100; regular duty is \$20; cost and duty \$120. Undervaluation 25 per cent., \$75; duty on which is \$15; cost and duty, \$115—\$5 00: gain on which is 485-100 per cent.

Supposed cost, \$100; duty on which is \$20; cost and duty \$120. Undervaluation at 30 per cent., \$70; duty on which is \$14; cost and duty, \$114—\$6 00: gain on which is 526-100 per cent.

Now I take it that before any sensible trader

would make out a false invoice, he would pause. No man in his sober senses would incur such a risk for such a paltry consideration. He would not attempt to undervalue an article in open market, the value of which would be so well known to an appraiser. If the dishonest trader, who would do such a thing, should escape the State prison—if he should escape the heavy forfeiture of the bill of 1842, he would gain, as shown by the statement, on the highest undervaluation, but four or five per cent. I say, therefore, that there is no adequate motive for such fraudulent invoice. Nor do I believe that such are ever made. I might dwell longer on this point, but I suppose enough has been said to show the futility of the objection. But suppose there was an adequate motive on the part of the importer to induce him to undervalue his goods; suppose he had the prospect of thus gaining something by succeeding, or, in other words, suppose that there was a sufficient inducement in the case; yet he would not succeed. Why? Because, simply, the duties are declared not upon his invoice but upon the actual valuation. The duties are not founded on his invoice; though the law requires him to make out an invoice, yet the valuers are not to determine by that invoice, but by many invoices. The officers who value the goods are men selected for their experienced judgment and knowledge of the goods; who are daily in the habit of appraising goods, and in that way, and in consequence of constant association with commercial men, become thoroughly acquainted with the actual market value of the goods, arriving at the proper conclusion as to the price of each article. The appraisement, then, is not at all controlled or influenced by the invoice made out by the importer. On the contrary, the valuation is made of the goods in the foreign market; and if there is any error made, it is more likely to be in favor of the Government, as there is the strongest inducement to make the valuation over and above the invoice. Now, I ask, is it reasonable to suppose that any three or four practical merchants of common intelligence and common honesty, would appraise goods ten days before establishing a uniformity of appraisement and value? The goods are subject, I admit, to occasional variation in prices, but in the main there is uniformity. But the appraisers would not be likely to value one set of goods at one value to-day, and at another value to-morrow. There will be of necessity uniformity in their decisions; and if so, why fear the effect of undervaluation? Is that likely, when it is the direct interest of every man in the custom-house to prove that an exporter has undervalued his goods and invoiced them at too low a price? But I go further. I will show, that so far from the importer having an interest in undervaluing his goods, he has a direct interest the other way—that it is to his advantage to overvalue his goods. How? Why, to avoid the possibil-

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ity of incurring the heavy penalty of the law. I have already said that he can gain nothing by undervaluing his goods, by making out a false invoice, as the appraisers are regulated by rules which he cannot control. If he swears to a cost below the valuation of the appraisers, they at once declare that the goods are placed by him below their value, &c., and forfeiture follows, and that without trial or jury. It is a summary process. Very often an exporter would gladly give the value of his goods. He is required to give the cost, and complies, protesting that it is not the value—that it is above the value. But the appraisers say that that is no consideration to them; they declare that he has forfeited under the law, and he is held to the forfeiture. I hold in my hand a statement from a reliable source, illustrative of this case. In 1841, Mr. John A. Newbould, of New York, contracted with an ironmonger of Birmingham for certain kinds of goods, to be delivered in equal quantities for five consecutive years. In the mean time, iron rose so much as to compel the ironmonger to raise the price of his article to all his other customers 20 per cent. He still continued to send them to Mr. Newbould according to contract. The appraisers at the custom-house, observing the discrepancy between the invoices of Mr. Newbould and his neighbors, felt themselves bound under the law to impose not only the same duty as the others paid, but also the penalty of 50 per cent., required by the act of 1842. The law allowed no discretion. Nobody doubted the character of the transaction, as Mr. Newbould then, and now, stood as high as any importer in New York. Mr. Newbould was obliged to give up his good contract, as it was a losing business. Great numbers of importers have thus been obliged to order their goods to be invoiced at higher rates, to avoid the penalty. And yet gentlemen tell us that the effect of this law will be to induce importers to undervalue their goods, and thus cheat the Government of much revenue.

Mr. WEBSTER. I hope that the honorable member will hand his documents to the chair, or put them in such a form that we can have access to them.

Mr. LEWIS. I shall have them published, sir. I have thus shown that it is a privilege to allow overvaluation of goods, not given by the law of 1842, but given by this bill; and in order that all may see that, I ask the Clerk to read the eighth section of the bill.

The Clerk read the section, which is as follows:

“SEC. 8. *And be it further enacted*, That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased, on entry of the same, to make such addition in the entry to the cost or value given in the invoice, as in his opinion may raise the same to the true market value of such imports in the principal markets of the country whence the importation shall have been made, or in which the goods imported shall have

been originally manufactured or produced, as the case may be; and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duties should be assessed. And it shall be the duty of the collector within whose district the same may be imported or entered, to cause the dutiable value of such imports to be appraised, estimated, and ascertained, in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed by ten per centum or more the value so declared on the entry, then, in addition to the duties imposed by law on the same, there shall be levied, collected, and paid, a duty of twenty per centum ad valorem on such appraised value: *Provided nevertheless*, That under no circumstances shall the duty be assessed upon an amount less than the invoice value; any law of Congress to the contrary notwithstanding.”

Now, sir, this bill, as a special favor, gives to the importer the privilege of overvaluation in order to avoid the consequences of undervaluation. Yet gentlemen persist in telling us that because of the frequent undervaluation, there will be no possibility of raising a sufficient amount of revenue by ad valorem duties. There is another argument urged against this bill, and that is, that upon certain articles the appraisers cannot arrive at the value. Wines are instanced in this connection. It is said that no one can, from mere inspection and tasting of wines, judge of their value. Now, sir, whether this be true or not of the choicest quality of wines, I cannot say. One thing, however, may be said, the thing has not been tried. When once tried, I hope it will be found with regard to wines, as other articles, that if individuals have intelligence enough to purchase them judiciously, other individuals will be found competent to appraise them intelligently. I believe that this is the strongest case that can be put; and even with regard to wines, I am inclined to think that the objection will not be found to have any practical weight—that if wines can be purchased with judgment, they can also be appraised with judgment. But it happens singularly enough, that, under the law of 1842, ad valorem duties have been placed on those articles of which it is most difficult to ascertain the value—those kept out of the prices current, whilst specific duties have been imposed on those articles of which the value is most determinate. That is the result of an attentive examination of the subject. I will name some of these articles. Coarse cottons pay minimum duties; fine cottons ad valorem duties; (fine fancy cottons, the value of which no one can tell till he sees them;) sewing silk pays specific duty; silk mixed with cotton or wool, the value of which is most difficult to ascertain, pays ad valorem duty; chain cables, anchors, castings—articles at which no one wishes to look in order to ascertain the value, judging solely by their weight—pay specific duties; whilst cassimere cloths and linens—the quantity and quality of which can be determined only by inspection—pay ad

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valorem duties. It will be seen, therefore, that this objection does not hold good; and that instead of articles the value of which is uncertain, paying specific duties, as the reasoning of gentlemen would lead us to infer, it is quite the reverse, the duties being in those cases ad valorem. But the general answer I made in the case of wines will suffice for this whole class of articles; and that answer is this, that if any man possesses intelligence enough, on inspection of the article, to make a judicious purchase in the foreign market, three merchants can surely be found, in New York for instance, with equal intelligence, and able to put a market value on the article. But if frauds are necessary concomitants of ad valorem duties, how comes it that these frauds have not been detected? We hear a great deal of complaint from the manufacturers, but from no other source. Did any man ever hear a merchant complain of another on account of any violation of the law under these ad valorem duties? No. With all their means, wealth, industry, character, and zeal, yet they have never been able to detect any notable instances of fraud resulting from the ad valorem system. This I will prove before I have done. If fraud has ever been perpetrated, where is the proof? It has been charged over and over again, but so far from having been proved, I will show that, after the most thorough investigation—and at the head of which was a distinguished member of the Whig party, who, after a most laborious examination, made a report on the subject—no case of fraud could be made out. Let me now direct the attention of the Senate to the result of that investigation. [The Clerk read an extract from House Doc. No. 212, 27th Congress, 2d session, page 209.]

Now it seems to me that the result of this thorough investigation establishes, in the most conclusive manner, that the objection which we have been considering is entirely destitute of weight. Having, then, thus disposed of the objections as to fraud urged against ad valorem duties, I feel that I have put down the principal argument in favor of specific duties; for I do not know that I ever heard any individual express an opinion in favor of specific duties, unless on the principle of the danger of ad valorem duties. The great argument is, that, as ad valorem duties are not adequate for the purposes of revenue, we must, of necessity, be driven to specific duties. It appears to me that the fairness and equity of ad valorem duties alone entitle that system to preference. But I am disposed to proceed still further, and show that specific duties themselves are most favorable to fraud, and therefore that, for revenue, or any other purpose, they are by no means so safe and efficient as ad valorem duties. Gentlemen speak of specific duties as if they had been necessarily resorted to on account of the uncertainty of collecting revenue by ad valorem duties; and that the experience of the Government had led to the erasure of ad valo-

rem duties, and the substitution of specific duties. Let us see with what truth this assertion is made. I have a list of the principal articles on which specific duties are laid, with their history. It will be found, on examination, that the act of 1790 was the parent of a large portion of these specific duties, and that they have been increased from that day to this. In 1816 a large number was added, not under cover of allegations of fraud, but no doubt to conceal the enormous duties required at the time for revenue purposes, if you please, but still much greater; and that, as to the remaining specific duties, they are on those articles which have sprung into existence, or rather into competition with English goods since the year 1816, and have been imposed, upon the petitions of parties who have asked for the tax for purposes of protection; not because the ad valorem duty had been evaded, but because the protection of a particular article was desired. The highest rate was demanded, and if that was given, it could only be by a specific duty.

Now, having given this history of specific duties, which is any thing but honorable to them even for revenue purposes, I go on to say, that the first objection to them is, that they increase the expense and add greatly to the difficulty of collecting the revenue. I am told that a very large number of the clerks—as many as one hundred—employed in the New York custom-house, may be,—I do not say will be—but may be dispensed with if you get this ad valorem system established. Get rid of this system of specific duties, and you can dispense with the army of weighers, measurers, gaugers, and clerks. You can also in that case dispense with a large number of clerks in the Treasury Department, a large portion of whom being devoted to the labor resulting from these specific duties. You also get rid of those most vexatious questions which come up before our comptrollers, occupying their time almost exclusively, to the great detriment of other business. That is a fact well known. The most difficult questions which come up before our courts of justice connected with the custom-house business originate in this system of specific duties. The contested cases arising from specific duties are ten to one to those arising from ad valorem duties. There is also constant danger under the specific duty system of the officer making a mistake either in measuring, weighing, or gauging. The probability of collusion and fraud under this system is as ten to one under the ad valorem system. Articles on which ad valorem duties are imposed, in going through the custom-house, pass under the surveillance of the collector, naval officer, appraisers, and assistant appraisers, clerks, and examiners. A constant succession of checks against fraud is thus established. Under the specific duty system the case is altogether different, the article passing through the hands of but one officer, who, after the process of weighing, measuring, or gauging, passes the

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article to the hands of the importer, without being subjected to the salutary check which the other system interposes against collusion and fraud. Under such a system I need not say a single officer may defraud the Government to an immense amount with impunity. I do not say that such a species of fraud is common, but I maintain that the probabilities of the occurrence of fraud under the present system are infinitely stronger than it would be under the system which this bill seeks to establish; inasmuch as in the one case the article passes through the hands of a single officer; in the other case through the hands of several. Let me dwell on this a moment longer. We will suppose an officer weighing any amount of silk—how easy for him to trip the beam, or fraudulently to state a wrong result. If he makes a mistake in weighing, who is to detect it? If absurd enough to make it in measuring, he may be detected, but in that case he can easily escape under color of an innocent error of calculation. I am thus fully sustained in the assertion, that the chances of fraud, collusion, and mistake, under the specific duty system are numerous; under the ad valorem system they cannot occur. But, sir, if there are no mistakes, or no frauds committed by public officers—supposing all your officers to be models of purity and fidelity—still I maintain that it is infinitely more difficult to detect mistakes, fraudulent or otherwise, in measuring piece-goods, under the specific duty system, than it is to detect fraud or error in valuations under the ad valorem system. If you wish to avoid frauds, instead of abandoning the ad valorem system, adhere more closely to it. The probability of frauds under the one and under the other system, is as ten to one. Under the bill now before you, you will have fewer frauds than ever have been perpetrated under any other revenue law. You will collect the duties with more certainty and at less expense, with the smallest possible probability of fraud, and then it has the great merit on its face of carrying the rate of duty with it. But there is another objection. It is grounded on the assumption that the value of the goods will diminish in consequence of improved systems of manufacture. That has been the result of our experience. A specific duty may be imposed with the view of making it one-half the value of the article, and yet, by a gradual fall in the price, the duty may come to amount to the full value of the article. Thus a duty of 50 per cent. may become cent. per cent., and thus, under a system of specific duties, you must ever be doing that of which some gentlemen entertain such religious horror—you must be constantly tinkering with the tariff; you must have continual recourse to legislation, in order to relieve yourselves from the fluctuations in the price of articles subjected to specific duties. Another objection is, that specific duties make no distinction between coarse and fine goods. A large proportion of

the people are compelled to purchase coarse articles on account of their cheapness. To discriminate against coarse goods, is, therefore, to discriminate against poverty—against the masses—against the people; to benefit a few at the expense of the many. If ever there were a more unjust system of laying duties than that against which I am now speaking, I have yet to learn of it. I do think that all intelligent and impartial men must agree with me, that the tariff of 1842 is full of instances of the gross absurdity and gross injustice of taxing articles nearly the same at very different rates without any reason, except that generally the highest rates are imposed on the coarse articles. To show the inequality of the specific duties, I may mention a fact recently communicated to me. I am told that a lady's shawl of great value, lately imported, paid only about one per cent., the specific duty being levied on its weight, and this was so fine and costly that the duty amounted to but one per cent. Such are the inequalities of specific duties. I defy gentlemen to show such injustice and inequality under the ad valorem system. But if there were no other objection than this to specific duties, that they concealed, and are intended to conceal, the amount of duty, it were sufficient to condemn them. For I take it that these duties never could have been levied if they had been levied in broad day; and in plain English, if the people of the country had known how much they paid. I repeat, then, sir, the effect of the specific duties is to conceal the amount of duty, and that is their object. Sir, I consider that it is the very essence of liberty, under any system of government, that the people should know the amount of their taxation. I need not enlarge on that. There can be no genuine freedom—there can be no practical liberty—where every man does not know the extent to which he is taxed by his Government.

But, Mr. President, I take it for granted that the great objection which will be urged against this bill will be that an adequate revenue will not be raised by it for the purposes of Government. Such a deficiency could result only in one case, and that is, if the duties were laid so high as to be prohibitory, thus preventing importations. I take it for granted, that if the duties are considerably reduced, so much so as to lead to a very large importation, we can have upon an average 21½ per cent., which would give us twenty-eight millions of revenue. But gentlemen tell us that this will not produce revenue enough. None of them, however, have the hardihood to say that it will be because the duties are prohibitory. Now I hold that the duties are still too high. I maintain that by a farther reduction we could obtain more revenue. It is difficult to determine on what articles the increased reduction should be made, but I have no doubt that 80 per cent., or 25 per cent., is too high in the aggregate for a revenue duty, and that on the mass of articles

we would raise more revenue at 25 per cent. than at 30; and still more at 20 per cent. than at 25 per cent. That is my opinion. Now, one set of gentlemen will tell you in one breath, that by this bill we never can raise a revenue, and in the very next breath, speaking for the manufacturers, they declare that we will be inundated with importations—flooded with English goods. Well, then, I can only say we will also be inundated with revenue. In my opinion the inundation will not be so great as it ought to be. A lower duty would produce a greater importation, and consequently a larger revenue. Therefore, though I do not look for a very heavy inundation, yet I expect one sufficient to give us twenty-eight or thirty millions of revenue. No man, sir, can look over the statistics of this country, even in the most desultory manner, and remain unconvinced of the justice of this expectation. We have had a very heavy free list, which we have abolished in this bill. We have put duties on every thing, and on some of the articles included in the free list to which I have just alluded, we have imposed the highest rate of duty. But what will be the probable amount of duties under this bill, is necessarily to some extent a matter of conjecture. Every one is entitled to the privilege of guessing. I have made an estimate with some care, though of course not with any expectation of approximating to the accuracy of the calculations made by the Treasury Department. But so far as I have been able, and entirely independent of the department, I have made an estimate, using the best aid that I could find, and the fullest information which the shortness of the time allowed me to collect. Founding my estimate upon the importation of the last year, I make out, under the new bill, duties to the amount of \$23,886,657—within a small fraction of twenty-four millions. Adding to that the estimated increase of duties, \$4,470,883, and we have a total of \$28,357,540.

Mr. EVANS then rose and announced his desire of addressing the Senate on the bill, but as the day was now far advanced, he would ask to be indulged in waiting till to-morrow, and would therefore move that the further consideration of the bill be postponed till twelve o'clock to-morrow.

The motion was then put and agreed to.

TUESDAY, July 14.

#### *The Tariff.*

The Senate, as in Committee of the Whole, resumed the discussion of the "bill reducing the duty on imports, and for other purposes;" when

Mr. EVANS rose and thus addressed the Senate:

Sir, I confess that I am a good deal surprised that the attempt to change so essentially the revenue system of the United States is per-

severed in in the present circumstances of the country; yet I must say that I was not surprised in the early period of the session that such efforts were made, and that it was deemed an Executive and Administration measure, to reduce the rates of duties established by the act of 1842. I expected then to see the change urged on the same ground as was taken three or four years since, and that was, that the existing law yielded by far too much revenue for the wants of the Government. If the same opinion continues to be entertained now that some entertained then, I anticipated the same attempt to reduce these rates, because they yielded much more revenue than the necessities of the Government required. But now that the scene is so changed—now that we have urgent necessity for all the revenue that can be obtained—when we are about to resort to loans—when we are about to be depressed in our financial condition—that gentlemen should still persevere in attempting to carry through a measure which at the time alluded to had some grounds to stand upon, does certainly appear to me most extraordinary. But the argument has changed with the circumstances. We are called on now to reduce the rates of duty, not because too much revenue is raised, but because there is too little, and because more can be obtained by a reduction of the rates. Well, sir, I commend the prudence of those who take this view of the subject. Whether they may be able to demonstrate it in a satisfactory manner, is another matter. But I commend the prudence of gentlemen who are altogether unwilling, in the present state of affairs, to vote for any change of the revenue system of the country, unless they are able to say that they conscientiously believe that at least as much revenue will be obtained by the new system as is obtained by that which they are about to overturn. I am sure that gentlemen feel that they could not stand up before the country—that they could not stand acquitted in their own eyes—if they were to vote for a change in the system of raising revenue, at a crisis like the present, when the Government is contracting for loans, and its expenditures are so largely on the increase, unless it was demonstrable beyond all sort of doubt, that the new system would supply an adequate revenue—at all events, that it would afford an amount of revenue equal to that obtained by the system which now exists, and which is to be demolished. It did seem to me, sir, that it was quite reasonable to expect of the Administration and its friends in both Houses of Congress, that they would say that such is now the altered condition of public affairs—such has been the change in our circumstances since this attempt to reduce the rates of duty was first made, that we deem it the more prudent—indeed, the only prudent course that can or ought to be taken, to stand by that which has been tried, and proved, and tested, to avoid for the present, in such an emergency, entering on the trial of that which is avowedly



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and confessedly an experiment; the amount of revenue to be derived from which is altogether a matter of conjecture and uncertainty; the changes which were proposed in the collection and administration of the revenue being so fundamental, that even an approximation to the truth, as the Senator from Alabama said yesterday, cannot be reached, the whole business being a matter of hope, of guess-work, rather than of sober calculation and sound reasoning. But it seems that no such prudential course is to be taken. The bill is to be pressed on to final action, and that, too, in open disregard of the usual order of procedure. The act of 1842 is to be overthrown.

From the remarks made the other day when it was moved to refer this bill to the Committee on Finance, I inferred that it was stated that the act of 1842 is to be overthrown. Gentlemen on the other side so declare; they affirm that they know they are able to pass this bill. It is not for me to say that they do or do not know that. Whether the bill is to pass in its present shape I cannot say. Concurring in the opinion expressed by the honorable Senator from Massachusetts near me, (Mr. WEBSTER,) that the bill is radically wrong in principle—that it is so defective as to render it almost impossible to build any thing substantial upon it—I have the expectation that if it pass at all it will be in its present shape; and I have no disposition or purpose to move any amendment whatever, nor do I think I shall have the slightest disposition or purpose to vote for any amendments whatever, unless they be to that extent that I can well infer from them the preservation of the revenue of the country, and the commercial and all the other great interests of the country, which are involved in the adjustment of the tariff of duties upon foreign goods. I shall go for no attempts at “patching up” that which I believe to be so radically wrong that it cannot be patched up so as to be made available to the treasury, or substantially beneficial to the country. It must take some new shape—some new form—become essentially changed in its principles before I can give to it my concurrence to any extent whatever.

But the tariff of 1842 is to be overthrown. The fierce and bitter denunciations—the outpouring of all sorts of opprobrious epithets directed against the existing law, proclaim the purposes of its opponents. Well, why is it to be overthrown? This is a question surely worth a moment's consideration. Has the tariff of 1842 accomplished that which its friends and advocates and supporters promised it would accomplish? Has it failed in the fulfilment of any single object which it was designed to gain? Has it yielded an adequate revenue? Has it restored public credit and public confidence? All this we promised. All this we pledged ourselves to achieve. And how were our promises and pledges met? Why, gentlemen then on the other side—and I see many of them still here—ridiculed our professions and

promises. They predicted a great decline in the revenue. They predicted destruction to our commercial interests. They predicted all manner of evil. It was maintained that we should not be able to obtain the loans necessary to carry on the Government—for the treasury was then so impoverished that the Government was under the necessity of borrowing twelve or fifteen millions—and I recollect that one gentleman contended very zealously that we should be obliged to give \$100 of scrip for \$90 in cash. Well, we passed the law authorizing the loan, and not a dollar could we get at any rate, till this revenue bill was passed. Then, sir, money enough could be obtained, and at a lower rate of interest than that authorized to be paid. The public credit advanced at once, and continued to advance until the stocks of the United States reached, I think, a maximum of about 115 or 116, and at that sold rapidly after the enactment of this law, because everybody saw that we had a system which would enable us to carry on the Government, to pay the interest punctually, and the principal when it became due. Look, then, at the working of the act of 1842. It did not go fairly into operation for several months after it was enacted. It can hardly be said that it was fairly in operation till the succeeding spring—the spring of 1843. About that time we changed the commencement of the fiscal year, so that our fiscal years now end on the 30th of June. Take, then, the first whole fiscal year under the act of 1842, and you will find that it yielded us (after paying all the expenses of collection, drawbacks, and every thing else, of which I will speak by and by) twenty-five and three-quarter millions. That was the result of the first year. In the second year (1845) the amount was twenty-six and three-quarters, (almost,) showing an increase of about a million. In the third year (just ended, June, 1846) the net amount was \$26,311,864, according to the best computation I could make, for the statements are quite contradictory. By the papers received this morning from the Secretary of the Treasury, the amount is set down at \$26,681,915. Thus is shown a constant increase, but an increased marked by an extraordinary uniformity. Here are three successive years in which the amount received into the treasury scarcely varies—nothing perceptible. There are no such other three years to be found in our history, or any thing approaching to them. Well now, is not this a most extraordinary illustration of the character and working of our tariff? Search our statute books from beginning to end, and you look in vain for any other law whose operation has been so uniform—so steady. During these three years we have had none of those fluctuations which result from excessive importations—one year diminished importations, next year excessive importations—embarrassing the whole business of the country, and of course embarrassing the financial affairs of the Government. Sir, I repeat it,

there is nothing to be found in our history presenting any parallel to these three years. Now I know, that in a paper which was transmitted this morning, by the Secretary of the Treasury, he states that the net revenue received in the year ending June, 1845, was \$27,528,112, which would be a little more than that received this year; and the inference to be drawn from it, and which was drawn in his annual report, and now to be drawn, is, that our revenue is falling off under this system. The Secretary was perfectly right in making that statement of the amount of revenue, because he does not make this computation himself; it is not his business. He applies to the Register of the Treasury, whose books show all these things; and the Register communicated to him the information upon which his annual report was made, and from which this statement of the amount of revenue was taken. But when the Register began to make up his own tables, to be appended to the report of the Secretary of the Treasury, he makes up a statement which will be found on the sixty-eighth page of the annual report of the Secretary of the Treasury, and appends the following note: "The foregoing table, when placed in the hands of the Secretary of the Treasury, to use in preparing his report, contained errors which are now corrected." The Register there gives the correct amount, but the Secretary, in preparing the papers received this morning, has fallen back upon the original error. We have therefore still a result shown of a very gradually augmenting revenue, the increase being remarkable for its uniformity, showing the stability of business operations throughout the country, and an administration of the finances of the Government, marked by stability and safety. There are no fluctuations; there are no excessive importations; there is no apprehension, or need be none, on the part of the Secretary, that next year will not yield as much as last year, or the present year, because we have the experience of the past before us, and that experience shows a stable and certain increase. I have already characterized this experience as one to which that of no other three years can afford a parallel. It has shown the operation of a reliable and available system of raising revenue, producing twenty-six millions net revenue, and that gradually increasing. These three years have yielded us in round numbers seventy-nine and a half millions. At no period of our history can you find three consecutive years exhibiting such a result. The years 1828, 1829, 1830, forming a period when very high duties were laid, the tariff of 1828 being in operation, the net revenue was seventy-five and a half millions. It will be found that the period of lowest duties yielded by far the lowest aggregate of revenue. Let any candid man look at the evils produced by fluctuating and excessive importations, and then say whether that is not the best system which prove itself to be so uniform and so steady in its operation. Now, when it is so—

when we have a reliable source—a stable and uniform means of obtaining \$26,000,000 annually, which nobody can doubt—when it has proved itself to be safe and adequate—is it wise to try an experiment, and nothing but an experiment, which you think you can reason yourselves into believing; but which, allow me to say, I think you rather guess at, than establish by any powers of reasoning—will yield as much revenue as you now obtain by the present system? Whether it will or not, I will show you before I am done. Now the tariff of 1842, which the honorable Senator from Alabama, and anybody else may denounce as rascally, and tyrannical, and villainous, and one to which no free people should submit, has at least one merit—it has been tried. What has it done for you? It has redeemed your discredited reputation. It has restored the public credit. It has maintained the Government. It has been only three years in operation, but during that period it has paid all the ordinary expenses of Government—paid \$10,000,000 of public debt; and if the ordinary expenses of the Government had not been augmented during the last few months, would have left \$12,000,000 in the treasury; and yet it is a most oppressive revenue tariff! Oh, no! not a revenue tariff; but an oppressive and inefficient system. I have detailed, however, what it has accomplished as a revenue measure. What was our condition before the enactment of this law? I have so often replied to that question, that I am almost ashamed to repeat the answer. But from 1837 up to the enactment of this law, your revenue derived from all sources—customs, public lands, and all—did not pay the expenses of your Government. There was a deficit of more than six millions a year. Will any man disprove it? From 1837 to 1842, all your receipts from the ordinary sources of revenue—not your receipts in treasury notes and borrowed money—were inadequate to support the Government by more than six millions a year. Then came the act of 1842, and in the first three years of its operation it has maintained your Government, paid ten millions of debt, and left six millions on hand. Now, sir, compare the systems. Say which has proved itself to be the sound policy of the country in regard to revenue and public credit, and all that depends on revenue and public credit. Now, sir, looking to the act of 1842, I ask if we ought not to be satisfied with it so far as revenue is concerned? Has it not proved itself to be in the highest degree beneficial? Ought we to change it? Above all, ought we to change it at such time as the present, when a pressing emergency has arisen, and the demands upon the treasury are increased to such a considerable extent? At such a time, with such an emergency pressing upon us, with all the beneficial results of the operation of this law before us, ought we to abandon a system which experience has proved to be safe and adequate for the purposes of its establishment, and rush upon a mere ex-

[Mr. SUM.]

*The Graduation Bill.*

[JULY, 1848.]

periment—an untried system—and one against which all the lights and experience of the past gave such clear and solemn warning? I do hope, sir, that those who are bent upon this change—those who are determined to prostrate the act of 1842—will tell us in plain and distinct terms, whether they do it because the tariff of 1842 does not answer the purposes of revenue to carry on the Government. That cannot be the reason. Let them, then, show us some other. They must admit that it is all conjecture as to what the result of this bill will be. I know calculations have been made—"estimates" as they have been denominated, perhaps properly, into which I will look by and by—with the view of showing the operation of the new bill. But there is no certainty, no experience, except that which we have to the contrary, showing that a scale of duties about the same as that which they now propose has been tried, (not for five years, as the Senator from Alabama said, because the country could not live under such a system for five years,) and the result has been that the Government got in debt till Congress stepped in, enacting this measure, the tariff of 1842, which restored the public credit and the public prosperity. Does anybody suppose that if your low system of duties had yielded you twenty-five, twenty-six, twenty-eight millions of dollars during these five years, to which the Senator has referred, this tariff of 1842 ever would have passed? Could we have carried it in such a case? No; for it was passed because of the necessities of the treasury. And yet we hear it said that this was a protective tariff—designedly such—meant as such. No, sir; no, sir.

Mr. HUNTINGTON (and others) suggested that as the day was now far advanced, the honorable gentleman should suspend his remarks, and defer concluding until to-morrow.

Mr. EVANS expressed his readiness to proceed now; but would yield if gentlemen desired.

The further consideration of the bill was then postponed till to-morrow.

## HOUSE OF REPRESENTATIVES.

TUESDAY, July 14.

*The Graduation Bill.*

The SPEAKER announced the unfinished business to be the bill "to reduce and graduate the price of the public lands, and for other purposes."

The question then again recurred, and was taken on agreeing to the following substitute amendment of Mr. McKAY for the amendment of Mr. CORB:

That all public lands which shall have been offered for sale twenty years or more on the first day of December, eighteen hundred and forty-six, shall, thereafter, be subject to entry at one dollar per acre for the term of five years; all the before described lands then remaining unsold shall be subject to entry at seventy-five cents per acre for another term

of five years; and all such unsold at the end of the last mentioned term may be entered at fifty cents per acre.

SEC. 2. *And be it further enacted*, That the quantity of land which the President of the United States shall hereafter proclaim and offer for sale in any one year, shall not exceed three millions of acres.

SEC. 3. *And be it further enacted*, That upon every reduction in the prices of said lands which shall take place by the graduating process of this act, the occupants or settlers upon any of the said lands shall have the right of pre-emption at such graduated or reduced prices, which right shall extend to a period of six months from and after the dates at which the respective graduations shall take place; and any land not entered by the respective occupants or settlers within that period, shall be liable to be entered or purchased by any other person until the next graduation or reduction in price shall take place, when it shall, if not previously purchased, be again subject to the right of pre-emption for six months, as before, and so on from time to time as said reduction shall take place: *Provided*, That nothing in this act contained shall be construed to interfere with any right which has accrued or may accrue by virtue of any act granting pre-emptions to actual settlers upon the public lands.

The yeas and nays (heretofore ordered) were taken, and resulted—yeas 96, nays 86.

So the amendment of Mr. McKAY was agreed to.

The question then recurring on the amendment as amended,

The yeas and nays were asked and ordered, and being taken, resulted—yeas 95, nays 88.

So the amendment as amended was agreed to.

And the main question, "Shall this bill pass?" was taken, and resulted as follows:

YEAS.—Messrs. Stephen Adams, Bayly, Bedinger, Biggs, James A. Black, Bowlin, Boyd, Brockenbrough, William G. Brown, Burt, Cathcart, Augustus A. Chapman, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Collin, Cullom, Cummins, Cunningham, Daniel, Dargan, Dobbin, Douglas, Dromgoole, Dunlap, Farn, Ficklin, Fries, Giles, Hamlin, Haralson, Henley, Hoge, Hopkins, Hough, George S. Houston, Edmund W. Hubbard, Hunter, James H. Johnson, Andrew Johnson, George W. Jones, Kaufman, Leake, La Sere, Ligon, MacLay, McClelland, McClernand, McConnell, McOrate, J. J. McDowell, James McDowell, McKay, John P. Martin, Barkley Martin, Morris, Morse, Moulton, Norris, Owen, Parriah, Payne, Perrill, Phelps, Ellsbury, Reid, Relfe, Rhett, Roberts, Sawtelle, Sawyer, Scammon, Seddon, Alexander D. Sims, Leonard H. Sims, Simpson, Thos. Smith, Robert Smith, Stanton, Starkweather, Strong, Jacob Thompson, Thurman, Tibbatts, Tredway, Wentworth, Wick, Williams, Woodward, and Yancey—92.

NAYS.—Messrs. Abbott, John Quincy Adams, Arnold, Ashmun, Barringer, Bell, James Black, Blanchard, Brodhead, Milton Brown, Buffington, William W. Campbell, John H. Campbell, John G. Chapman, Cocke, Collamer, Cranston, Crozier, Culver, Darragh, Garrett Davis, De Mott, Dillingham, Dixon, Dockery, Edsall, Ellsworth, Erdman, John H. Ewing, Edwin H. Ewing, Foot, Foster,

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Garvin, Gentry, Giddings, Goodyear, Gordon, Graham, Grider, Grinnell, Grover, Hampton, Harper, Elias B. Holmes, John W. Houston, Samuel D. Hubbard, Hudson, Joseph R. Ingersoll, Jenkins, Daniel P. King, Preston King, Thomas B. King, Leib, Lewis, Long, McClean, McHenry, Mollvaine, Marsh, Miller, Moseley, Niven, Pendleton, Rathbun, Julius Rockwell, John A. Rockwell, Root, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Stephens, Stewart, Strohm, Sykes, Thibodeaux, Jas. Thompson, Tilden, Trumbo, Vance, Vinton, Wheaton, White, Wilmot, Winthrop, Woodruff, Wright, Young, and Yost—89.

So the bill was passed.

## IN SENATE.

WEDNESDAY, July 15.

*The Warehouse System.*

Mr. DIX moved that the Senate should resume the consideration of the warehouse bill.

The warehouse bill was then taken up; the question being, "*Shall this bill pass?*"

Mr. J. M. OLAYTON then resumed and concluded his remarks in opposition to the bill. He gave a succinct history of the introduction of the warehouse system in England, by Sir Robert Walpole, the main objects of which were—first, revenue protection; and second, the promotion of the navigating interests of the country. He then showed that the difference in our position and circumstances rendered a peculiar measure inappropriate. The effect of this bill would be to throw all our mercantile business into the hands of foreigners, who would be enabled to look into the hand of the American importer; and, by glutting the market with the goods most sought for, tread down our citizens in consequence of their superior capital. He also described it as tending to the ruin of our currency.

Mr. HUNTINGTON said that he did not intend to renew the discussion on this bill. On former days he had stated fully his objections to it, and had proposed amendments, some of which had been adopted, and which had deprived it of a portion of its previous obnoxious provisions. Still, he was of opinion that the bill in its present form is unacceptable to a great portion of the people of the country, and is deemed by them to be, as he had no doubt it would prove to be, prejudicial to their essential interests. He considered the bill as one of the auxiliaries of the proposed tariff and sub-treasury bills, and designed to bear a part in promoting the same objects. And as he believed that the bill, should it become a law (as he foresaw it would) would, in its results, prove beneficial only to a few rich capitalists, and mainly to foreigners and their factors, and deleterious to American merchants, mechanics, and manufacturers, and to the labor, commerce, shipping, and other important interests of our own country, he was desirous of recording his vote against it; and to effect that object, he moved that the question be taken by yeas and nays.

Mr. WEBSTER said: I feel it my duty to vote for a measure to which so many friends, of experience and judgment, have objected. I have, however, been in favor of a warehousing system for a long time—since I have been in Congress. The reasons upon which that opinion has been founded are, that I believe that a well-regulated warehouse system does give considerable facilities to the foreign commerce of the country. It has been so represented by the mercantile interest uniformly for thirty years. The objection against it principally relied on now, is, that it may interfere, or is likely to interfere, prejudicially, with the domestic industry of the country, by creating an accumulation of foreign commodities, always ready to come into the market. I agree there is something in that argument. Another objection is, that it is connected, or appears to be connected, with other measures to which others, and myself, are entirely opposed. And I agree that there is something in that argument. I wish it had been made to succeed rather than to precede the decision of the Senate upon the tariff. But nevertheless, my opinion is, that it should rather be an object to protect the domestic industry of the country by laying protective duties upon such articles as are manufactured at home, rather than by obstructing the foreign commerce of the country, or withholding from it such facilities as may make it more and more extensive; and as this bill provides that the goods shall remain in store but one year, I do not apprehend any such accumulation for so short a period as other gentlemen are inclined to fear. As every advantage of the bill is open to the use of the American merchant, and with the same great facilities as the foreign importer, I am, upon the whole, inclined to give this system an experiment. If it be found prejudicial, we can get rid of it.

The question was then taken on the passage of the bill, and resulted as follows:

YEAS.—Messrs. Allen, Archer, Ashley, Atchison, Atherton, Bagby, Benton, Berrien, Breese, Bright, Calhoun, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Haywood, Houston, Johnson of Louisiana, Lewis, McDuffie, Pennybacker, Rusk, Sevier, Speight, Turney, Webster, Westcott, and Yulee—81.

NAYS.—Messrs. Barrow, Cameron, Gilley, Thomas Clayton, John M. Clayton, Crittenden, Davis, Dayton, Greene, Huntington, Jarnagin, Johnson of Maryland, Mangum, Miller, Morehead, Niles, Phelps, Simmons, Sturgeon, and Woodbridge—27.

So the bill was passed.

*The Tariff.*

The Senate then resumed the consideration of the "bill to provide revenue from imports, and for other purposes."

Mr. EVANS proceeded in his remarks in opposition to the bill.

He desired to know on what distinct grounds the bill was vindicated? Was it as a revenue bill? Was it because the treasury was in want

[See Sum.]

*The Tariff.*

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of money, and this was a mode of improving it! He had endeavored to show that this bill, in the most favorable view of its own friends, would fall short of the present revenue \$8,000,000. Why, then, should it be called a revenue bill? Undoubtedly it was desired to improve the treasury in the present emergency. Anxious as the gentlemen opposite must be to avoid an increase of public debt, and to avoid direct taxation, they must seek to benefit the many by this bill. But why give up the certain, reliable means which they had—which had done so much? Why abandon that proved system for such an experiment at such an emergency? To that solemn inquiry the only reply was “a conjecture”—“an approximation to the truth!” He then went on to reply to the argument urged against specific duties. He contended that they were a sure means of revenue. The tax on the yard on which the specific duty was imposed, might decline in value, but the duty remained the same. If the value declined 10 per cent., the consumer would the more cheerfully pay the specific duty, while the ad valorem duty increased as the consumer's ability declined. Check consumption and they checked revenue. Experience had proved that specific duties were stable and not liable to fluctuation. The ad valorem principle, as had been properly remarked by the Senator from Massachusetts, (Mr. WEBSTER,) yesterday, had never been tried by any nation within his knowledge. He then went on to say that the free-trade committee of the British House of Commons had examined a great mass of evidence, but not a man came forward to advocate the ad valorem principle. Next he proceeded to speak of the opportunities of fraud afforded by the ad valorem system.

Mr. LEWIS asked if the Senator could point out any prosecutions or convictions of fraud by undervaluation?

Mr. EVANS replied that he could. He (Mr. E.) admitted that the report quoted by the Senator asserted that no frauds had taken place in this mode. The commissioners undertook many things which they were not told to do. The paper read was one signed only by one out of three of the commissioners. Just at the time the cases of fraud were pending; the commission was in session; but the commissioners thought that it was their duty to go off in the effort to fasten some imputation on the collector. “There was never a clearly proved case.” Why, at the very time that report was drawn up, cases embracing half a million of dollars were pending! And the evidence taken by the courts was before them. But, said the commissioners, that evidence was not taken by them, and therefore they reported that there was no fraud. Oh! but their room was open, and anybody might come in. And who came in? Why, the fraudulent importers themselves.

Mr. LEWIS asked what the Senator regarded as fraud? He supposed that Mr. Newbold would be set down as a fraudulent importer.

Mr. EVANS. Oh, no! He never run out of the country, and paid \$25,000 to avoid a prosecution. He then went on to speak of the “Yorkshire cases” of fraud at New York, at the period when the commission was in session. One of the cases was that of Hood. His father, in England, had been in the habit of sending fraudulent invoices to him, till he became alarmed, and wrote several certainly not very filial letters to the elder Hood, calling him a dunce and a villain, and cautioning him not to undervalue his invoices more than 25 or 30 per cent., as he would not swear to any greater undervaluation. Hood, the father, became a bankrupt, and his papers, with these letters, fell into the hands of the assignees, who, being honest men, revealed the fraud to the custom-house authorities in this country. Writs were issued against several of the fraudulent importers, who fled the country; one of them, named Taylor, escaped to Canada, and after remaining there for some time, at last succeeded in compromising the suit by paying \$25,000—not half as much as he ought to have paid, according to the statement of the collector. And the others also compromised the suits in the same way, from the difficulty of obtaining proof of the extent of the fraud. In Philadelphia the same frauds had been perpetrated, and then there were forty-seven trials before forty-seven different juries, and forty-seven convictions. Mr. E. continued at considerable length to expose the frauds which had been perpetrated in a similar way, describing the manner in which they were successfully effected. Under the tariff of 1842, they had been obliged, on certain articles, to run the hazard of ad valorem duties, because specific duties could not be laid. At the present session of Congress they had enacted a law, against which he (Mr. E.) had protested, taking away the chief guard against fraud, by repealing the law giving a share of the penalty of fraud to the custom-house officers. How many prosecutions did they expect now? All sorts of motives to vigilance had been taken away. As that law had been passed, so much the more rigidly should they adhere to the stringencies of the present proposition. The Senator from Alabama had argued, that as under the specific duty system the article went through the hands of only one officer, fraud was more easy than under the ad valorem system, when several officers reviewed the article, and were checks upon each other. The check was simply on whether the right rate of duty had been fixed. Nobody but the clerk examined the goods. The ad valorem were liable to just double the danger of the specifics. Who ascertained the weight or measurement under an ad valorem duty? But one man, just as under the specific duty system. But besides, they were, under the ad valorem system, liable to the danger of fraudulent undervaluation and mistakes of officers. But it had been argued by the Secretary of the Treasury and the Senator from Alabama, that as already the

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ad valorem articles paid more than one-half of the revenue, therefore it was the best system. Did the Secretary expect that people would import goods, not because they wanted them, but because they were imported in a certain way? The people imported goods just as they wanted them, altogether irrespective of the mode in which the duty was placed upon them. Change the specific to the ad valorem, and ad valorem to the specific, and was it to be expected that the specific would rise to sixty millions, and the ad valorem fall to thirty-five millions? He need not expose the absurdity of such an expectation. There were several topics on which he might dwell—the more attractive topics, too, the effects of the proposed system—but the country was familiar with them. But those parts of the subject he would leave to those who were to succeed him. He then proceeded to recapitulate the chief points of his argument against the bill. He objected to it because it was inadequate to support the Government in a time of peace. He objected to it because, if they adopted it, they destroyed the public credit, at a time, too, when loans were sought. He objected to it because it would destroy the honest commerce of the country, and put their trade in the hands of unprincipled foreigners. He objected to it because it held out inducements to fraud. He objected to it because it would drive so many from employment, to poverty and crime. He objected to it because it was an experiment—an experiment to be tried at a time when, of all others, they should stand by that which was proved to be good. He objected to it because it was sought by it to destroy a system which had worked well—sustained the public credit, supported the Government, and promoted healthful commerce. He had now discharged his duty. His arguments would be met fairly, he doubted not. He did not apprehend misrepresentation there, whatever might be his fate elsewhere, and of that he should take no notice.

"Stetimus tela aspera contra,  
Costallimusque manna, experto credite, quantus  
In clypeum assurgat, quo turbine torquesat hastam."

THURSDAY, July 16.

*Duties on Imported Goods.*

Mr. DIX presented a memorial from merchants and importers of the city of New York, praying that specific duties, instead of ad valorem duties, may be imposed on foreign goods, and more particularly on silks.

The memorial having been read by the Secretary—

Mr. WEBSTER moved that it be referred to the Committee on Printing.

I wonder (said Mr. WEBSTER) that the honorable Senator from New York, on presenting such a petition as this, is not a little afraid that he will fall under the charge of panic-

making; for I find it is to be the order of things, that whenever a member of this body presents, for its consideration, the sentiments of his constituents, or of any other portion of the people of this Union, against a measure pending here, so deeply interesting to all classes of the community, he is to be regarded as a fulminator of denunciations, or a panic-maker. Upon all such occasions the organ, with the monotony of a cuckoo-clock, cries out "Panic! panic!" Now, sir, in all honesty, I do not know that any politicians in this country need take up the trade of panic-making against the gentlemen on the other side. They have shown themselves the most accomplished panic-makers the country ever produced. For one, sir, without regard to panics or false alarms, I shall, with great submission to the powers that be, continue the course that I have prescribed to myself, in regard to making known the sentiments of the people; and all memorials and petitions transmitted to me, representing those sentiments, I shall endeavor to present to the Senate, with such expositions and explanations thereon as appear to me to be required. And I may be permitted, perhaps, on this occasion, as it relates to the general subject of the tariff, to present, mainly, to the consideration of the honorable Senator from Alabama, who is at the head of the Committee on Finance, an abstract from the Treasury documents, and a calculation founded thereon, taking for its other element the statements of the honorable Senator himself as to the average amount of those proposed duties, with a view to show what it appears to me highly probable will be the result of this bill as to the amount of revenue it will produce. Of course it will be open to any criticism of the honorable Senator, or of any other gentleman here. As there is nothing speculative in it, for it deals in facts and figures, and not in conjectures, I will state it briefly, that every member may understand it.

The object of the bill is to raise twenty-eight millions of dollars for the service of the year, by duties on imported goods. It is proposed to raise this amount by *ad valorem* duties entirely.

These duties are arranged by the bill into eight classes, the articles being charged, respectively, with one hundred, forty, thirty, twenty-five, twenty, fifteen, ten, and five per cent. The chairman of the Committee on Finance says that the *average* of these several rates of duties is twenty-three and a half per cent.

The question therefore is, whether we may justly expect such an importation this year as, at that average rate, will yield a revenue of twenty-eight millions of dollars. To judge of this, we may look at the amount of importations last year.

By the Treasury statement it appears that the value of merchandise imported from July 1, 1844, to June 30, 1845, was \$117,254,564. This is a larger importation than the average of the

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last five years. But this amount includes all the free articles, the value of which is \$22,187,840.

It is said that the free list will be diminished by this bill, by transferring several of its articles to the taxed lists. But the main articles still remained free. Tea, coffee, and specie, are not to be taxed under this bill; and the value of these in last year's importation was \$15,914,694. Deduct this from the aggregate of importations, and the balance remaining is \$101,389,915.

In truth, there are many other articles left free; but tea and coffee, and specie, are the principal.

Now, this sum of \$101,389,915, on an average duty of twenty-three and a half per cent., will produce \$23,814,877, and no more. But this is gross product.

There is to be deducted, in the first place, for cost of collection, \$2,000,000. In the next place, we are to deduct the drawbacks at the same amount as last year, viz.: \$1,878,407 55. After these deductions there remains only the sum of \$19,986,469, as the net revenue from an importation as large as that of last year.

If we call this, for the sake of round numbers, twenty millions, then it follows, that upon such an importation as that of last year, the duties would fall short of the amount judged necessary for the uses of the Government by the sum of eight millions.

To provide these eight millions, at the same rates of duties, there will be required an increased importation of forty millions of dollars, making an aggregate of importation of free and dutiable goods of \$157,254,564.

Now, is there any just ground of expectation that any such increased importation will take place? Or, if it were possible that such an increase should accrue, can the goods be paid for without draining the country of specie, and effectually deranging the currency.

Let it be remembered that to meet the importation of last year, specie was exported beyond the import of the same articles to the amount of \$4,586,278, viz.: "of specie" over imports of the same article, \$3,691,807; and exported American coin under the head of "domestic products," \$844,406: making together the sum of \$4,586,278.

I might add, that if we expect an increase of forty millions in the amount of dutiable goods, we must expect also a corresponding increase in the amount of free goods.

I have a few additional remarks to make, and one is, that there is no substantial ground to say that the measure, if passed, will meet the wants of Government. Another is a very delicate one, and one to which I desire particularly to call the attention of the honorable Senator from Alabama. I take it for granted that there must be an issue of treasury notes.

Mr. LEWIS. I am ready to report a bill for that purpose.

Mr. WEBSTER. The honorable member says

the bill is ready to be reported. Now, will the honorable Senator allow me to ask him to consider well, if his bill goes out before the public, and those who are acquainted with such things, and astute in such calculations, should be of opinion that these provisions for revenue will not meet the expectations of the honorable Senator, will not yield the amount called for by the wants of the Government, does he not see that this affects the commercial and the moneyed world at once, and diminishes the credit attached to the Government? Does he not see that it is necessary to convince the public that provision, and ample provision, was made for revenue, so that the Treasury would be able to meet the redemption of those treasury notes, before he can give them a circulation at the rate of interest which I presume he intends they shall bear?

Mr. LEWIS said he did not know that he could "*impromptu*" reply to the labored calculation which the Senator from Massachusetts had brought forward on paper. He found, however, that the honorable gentleman had taken his (Mr. L.'s) estimated average of duties, under the House bill, of 23½ per cent., and upon that estimated average of duties he (Mr. WEBSTER) had made a calculation on the importations of 1845, which resulted in an aggregate of revenue approaching within a few thousand dollars in amount of what he (Mr. LEWIS) had submitted to the Senate, although the aggregate submitted by him (Mr. L.) was obtained in a very different manner. He (Mr. L.) attained the result by taking each article of importation in 1845, and finding out by the House bill what duty was imposed on such article, and then calculating the revenue which would result from that amount of importation.

Now, sir, (Mr. L. said,) he felt flattered that he was so fully sustained in his estimate of the aggregate of revenue by the calculations of the Senator from Massachusetts, more particularly as that aggregate on the importations of 1845, was his (Mr. L.'s) basis for his estimate of the revenue which would be derived from the present bill in the next fiscal year. Where, then, (Mr. L. asked,) did he differ from the Senator from Massachusetts? That Senator, he thought, had improperly and erroneously, he must be allowed to say, deducted the drawback from an amount of revenue which remained, after the exported articles on which the drawback had been allowed, had been deducted. A hundred and seventeen millions were the *gross* importations of 1845, including the re-exported articles. The hundred and one millions and a fraction of importations, upon which the gentleman had made his calculations, was the amount of goods which were left in the country for consumption after the exportations had been deducted, and, therefore, there should not be a further allowance from the amount obtained, by another deduction of drawbacks.

Mr. WEBSTER briefly replied. He said there could be no mistake between the honorable

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gentleman from Alabama and himself, as it was altogether a matter of figures. He then showed that the drawbacks were to be deducted from the amount included in the calculation of the Secretary of the Treasury, and repeated his own calculation, showing that to supply the deficit of eight millions under the bill, an increased importation of forty millions, making an aggregate of free and dutiable importations of one hundred and fifty-seven millions, would be necessary.

FRIDAY, July 17.

*Issue of Treasury Notes.*

Mr. Lewis moved that the prior orders be postponed, and that the Senate proceed to the consideration of the (House) bill to authorize the issue of treasury notes and a loan; which motion was agreed to.

The bill was accordingly taken up, and considered as in Committee of the Whole; when

Mr. Evans rose and said, that when he requested a postponement of the consideration of this bill yesterday, it was his intention to examine its details carefully, to see whether it was conformable to existing laws, and whether it was guarded in the manner usual to bills of this description. He regretted that he had not yet had it in his power to do so; he had not even been able to read the bill, but he did not rise to oppose its passage. He did not intend to oppose it in any way; on the contrary, he was in favor of its passage, unless some evils were pointed out in the details of the bill which required amendment. He was in favor of its speedy passage. He thought it had already been delayed too long, and he regretted that those who had charge of the measure had permitted it to be delayed, until the treasury was in a state of so great exigency that they were called on to pass the bill with the utmost expedition, in order to relieve the Government from embarrassment in its financial operations. This used to be the mode of proceeding, it was true. He recollected that in the years 1835-'38-'39, when a war was being carried on—not so large a war as the one they were now engaged in, however—there was a deficiency of revenue, and treasury notes were resorted to; but not until they were obliged to adopt some expedient for supplying the pressing wants of the Government; and so it appeared to be now. The measure was delayed until they could delay it no longer; and then if the assent of Senators was withheld from the proposed measure, they were charged with obstructing the operations of the Government in a time of war. He had hoped that this practice would be discontinued, and that those whose business it was to take care that the treasury should not be subjected to any straits or embarrassment, would look far enough ahead, and bring forward their measures at so early a period, that they might be at least examined before they were adopted.

He hoped that this would be the case hereafter. Honorable Senators on the other side would recollect that he had urged it upon the Committee of Finance more than a month ago, to bring forward this measure. It certainly would have relieved the money market very much, and greatly facilitated the operations of the Government. For, although the Government had money enough, yet it could not easily be drawn out of its depositories and transmitted to distant places, without very great inconvenience; and everybody must see that it would be better to have prepared for this emergency at an earlier day. He was not one of those who entertained any constitutional doubts as to the power of the General Government to issue treasury notes; he had advocated their issue against his associates in the other House, when it was found impracticable to procure duties sufficient for revenue; but he could not help feeling that they were aggrieved in having this measure delayed until the last moment, when there was no opportunity for preparing such a measure as they might deem the most desirable under the circumstances. But he was in favor of the passage of this bill because it was required immediately, and because he believed that the issue of treasury notes was preferable to contracting a loan, which would have the effect of drawing away capital to the extent of such loan from general circulation; whereas treasury notes added to the circulation, and were a perfectly good and safe currency, unless a greater amount were issued than they could keep in circulation. He would support this bill, therefore—trusting, however, that the full amount of ten millions would not be issued, but that the amount would be divided between the issue of notes and a loan.

Mr. Benton then rose and said:

I have some objections to this bill—some to a provision in the bill itself—some to the policy of resorting so early to an issue of Government paper. My objection to the bill is in the authority which it confers to reissue the ten millions of treasury notes authorized to be issued. The reissue is a departure from the act of 1837, and is, in my opinion, unjustifiable in itself. The act of 1837 authorizes ten millions of notes to be issued, and by a clause in the 12th section, requires every note to be cancelled and destroyed when redeemed: this bill authorizes a reissue, and of course puts the note into circulation again, instead of destroying it. To this reissue I have two objections: first, because it makes a paper currency of our treasury notes, and assimilates them to common bank notes; and, next, because it destroys the limitation on the amount to be issued. The limitation on the issue is ten millions; the reissue after redemption may double, triple, quadruple that amount; for every time the note is reissued it becomes a new debt, and has to be paid again. If not reissuable, the amount of debt which can be created under the bill is



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ten millions; if reissuable, it may be many times ten millions. In fact, with the quality of reissuability, no one can tell what amount of debt may be created under the bill. This is a great objection, but the change which is made in the character of the note is still greater. If cancelled when paid, the notes would be considered as the bond of the Government, to be paid when due, and when paid extinguished; but, to be paid and put out again, is to do like the banks; and this I cannot agree to. We have a bill for an independent treasury, a main feature of which is hard money payments at the Federal treasury. I can conceive it to be compatible with the character of such a treasury to take up, and cancel the Government bonds; but, to reissue them as often as taken up, is too much like banking for me—modern banking, where the same note is shuffled out again and again, as long as it will hold together. This would reduce our sub-treasurer to something like a cashier of a modern bank—reissuing the same paper *ad infinitum*. Even banks did not do this in the beginning—in their better days. The Bank of England did not reissue for a long time.

Mr. REVERDY JOHNSON, from his seat. It does not reissue now: it pays and cancels each note.

Mr. BENTON. Good! Let our Government not reduce our sub-treasury below the Bank of England as a paper machine. Let us cancel the notes when paid, and have no paper currency. I will therefore move to strike out the clause of re-issue in the bill; and if that is struck out, the bill, so far as I am concerned, may take its course.

These are my objections to the bill, and this is practical, and will require a vote from the Senate. I have another objection, not to any particular clause in the bill, but to the policy of resorting thus early in our war with Mexico to an issue of Government paper.

Forty years ago, Mr. President, when I was a student at law, I read in one of my books—an English book, of course—these words:

"If our ancestors in King William's time had annually paid, so long as their exigencies lasted, even a less sum than we now annually raise on their account, they would in time of war have borne no greater burdens than they have bequeathed to and settled upon their posterity in time of peace, and might have been eased the instant the exigency was over."

The lesson inculcated in these words sunk deep into my mind, and I resolved to act upon it if it should ever be my lot to have any share in the management of the public affairs of my country. The great principle of the lesson is, that every generation should bear its own burdens, and not cast them upon posterity; and if a principle, so wise and just in itself, needed any illustration, or confirmation, it would be found in the subsequent history of the country in which the words of the lesson were written. Mr. Justice Blackstone wrote

them in 1777. The British debt was then about one hundred and forty millions of pounds sterling, and the interest and cost of management about five millions: that debt is now about eight hundred millions, and the annual interest and management about thirty millions. The example set—the evil practice commenced—in King William's time, of throwing burdens upon posterity, has continued ever since; and certainly the British people of the present day are burdened to a degree which should induce others to heed the admonition which they neglected.

The obvious mode of saving posterity from the burdens of its ancestors, is for every generation to pay as it goes; and, to do that, each year, as nearly as possible, must pay the debt which it creates. Taxation is the mode to do that; and where taxation is inadequate, short loans, to be repaid by those who make them, is the substitute. A Government issue of treasury paper—called exchequer bills in Great Britain, and treasury notes in the United States—should be the last, and almost the desperate, resource of any Government. These are the principles upon which I came into public life, and on which I have endeavored to act, though not always able to do so. The year 1837 over-set my principles. The Government, with near thirty millions of dollars in banks, found itself one morning without a shilling in hand; and Congress was called together to provide the means of keeping the Government alive. It was a case of life or death; and the proceeds of taxes would have been entirely too slow to have prevented the open and declared bankruptcy of the treasury. Under these circumstances, the resource of taxation was impossible; a temporary loan was the next resource, and upon this the Finance Committee of the Senate resolved, and that in opposition to the Secretary of the Treasury, (Mr. Woodbury,) who recommended an issue of treasury notes. The committee condemned this resort; but finally yielded to the Secretary, on his firm asseveration that loans could not be obtained in time to prevent the catastrophe of a bankrupt treasury. Under these circumstances, the treasury note act of 1837 was brought in, but guarded with many provisions to prevent the notes from aliding into currency, so as to make a Government paper money. The act of 1837 was guarded, and doubly guarded, against that evil; first, in giving authority to issue, without authority to reissue notes; and then by a special clause expressly forbidding release, and positively requiring each note to be cancelled and destroyed when once redeemed by the United States. With these guards, and some others, the bill was passed. I voted for it, but with a revulsion of stomach almost convulsive, and with a misgiving of the heart which proved to be prophetic. In a little time the guards were all broken down; reissue of the same notes was legalized; and these notes entered and left the treasury as bank notes enter and

leave a bank. Of course I did not vote for this overthrow of the guards which I had assisted to set up; but the want of my vote made no difference. The mischief had been done in the first step: once issued, treasury notes were strong enough to reissue themselves, and slide into paper currency.

These are my objections to the bill itself, and of its policy. The policy of this early resort to a means of supporting the Government, which, from its dangerous and seductive nature, should be left for the last, and the almost desperate resource. Taxation should be the first resort; and here I must say that I utterly object to the omission of any fair object of taxation from our revenue bill. Tea and coffee are left out of that bill. Certainly I should like to leave them out, and a great many others, if there was no necessity for taxation. But there is necessity. This treasury note bill provides the necessity, and I am for taxing all objects fairly taxable. Taxes first, loans next, treasury notes last, is my creed; and I have no idea of flinching from my own duties under the assumption that the people will not do theirs. It is the duty of every generation to pay its own debts as well as to fight its own battles. Our constituents will pay a tax on tea and coffee, if necessary, and that tax is now necessary. But a modern idea has sprung up, that tea and coffee are necessities of life, and must be free, while iron, salt, woollen, and fire pay tax. According to this idea, tea and coffee are the first of necessities; and if the question of Cassius to Brutus should be answered, "*Upon what meats doth this our Julius feed?*" the answer would be, tea and coffee! Not so the people. They are as honest as brave—as ready to pay their own debts as to fight their own battles. We have no wars in which the people have no interest: our wars are their wars; not so with Great Britain, when the foundation of her public debt was laid on loans and exchequer bills in the time of King William, and his successors of the House of Hanover. Continental wars, in which the people of England had no interest, were their *portions* with the Houses of Orange and Hanover. Security of the Dutch barrier, reduction of the French monarchy, settlement of the Spanish succession, maintenance of the Germanic liberties, were then the causes of English wars. Ministers and the Parliament were justly afraid to tax the people for such wars: they therefore taxed posterity! They made loans, and issued exchequer bills; and of the burdens which these threw upon posterity, it was, that Mr. Justice Blackstone so justly complained. But our wars are our own; they are the wars of the people, and the people are as honest as brave, and will pay their own debts as well as fight their own battles. They will pay a tax on tea and coffee, rather than go in debt; they will bear burdens rather than throw them upon their posterity. What father is willing to throw debts upon his son? What Government would wish to burden posterity?

Every generation will have its own burdens to bear—its own battles to fight, and its own taxes to pay—and should not be burdened with the debts of its ancestors. The present enormous British debt had its origin in the unwise and cowardly policy of throwing burdens upon posterity; let us avoid what we have seen so fatal among our English ancestors.

Taxes first, loans next, treasury paper last, are my resources; but here we begin with paper; for although the bill has an alternative clause, that the President may either borrow or issue notes, yet the alternative is nothing. The issue of the notes is the easy and the seductive course; and for the same reason that we refuse to order the loan, he will refuse to make it.

On motion of Mr. Lewis, the further consideration of this bill was postponed until to-morrow.

SATURDAY, July 18.

### The Tariff.

Mr. CAMERON presented a memorial from the miners and other laborers of Schuylkill county, Pennsylvania, asking that the duty on coal may not be reduced.

Mr. C. also presented the proceedings of a meeting of Democratic citizens of Sunbury, Northumberland county, Pennsylvania, expressing their opposition to the bill reducing the duties on imports, and for other purposes, and requesting the Senators from that State to use all honorable means to defeat its passage.

In presenting the latter document, Mr. C. said that the panic of which honorable Senators spoke the other day had commenced, and was spreading into every part of that Commonwealth. But this was no Whig panic. It was a Democratic panic. The county in which this meeting was held is a Democratic county. It gives about 2,500 votes, and a majority to the Democratic party, in great contests, of near 1,200. Northampton county, another decided Democratic county, was here protesting against the passage of the tariff bill; these people, these Democrats, feared that its passage would destroy their business, prostrate the Democratic party, and beggar their families. Such fears might cause a panic with the honest and best. Good "old Berks" is here also by a representation of her sons. That county is the stronghold of Democracy. Of her 10,000 votes, she gives often a Democratic majority of 4,000. Her citizens are a steady, industrious people, who are not easily excited. They are generally agriculturists, who are content with their peaceful employment, and whose industry and frugality have made them rich. No common danger would alarm her; but situated as she is on the verge of the great coal-field of Pennsylvania, she has daily evidences of the comfort and happiness its mines dispense among the laborers and mechanics of the country round about, and of the wealth which it has sent

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among them in exchange for the products of their farms. No one can charge them with aiding in a "Whig panic." Their Democracy is undoubted, and beyond reproach. It is known throughout the Union; and thrice has it saved the Democratic party of the Union. Her sons come here not to create a panic, but to speak with Democrats in the Senate, and in other high places, as Democrats may speak to those whom by their votes they have elevated; to tell them how this new principle in legislation will affect their interests, and to get Democrats here to pause before they ruin our great State, and take from our laboring people, who cannot come here, their employment, and from their families their bread. Such a panic as the passage of this bill will create, would, he repeated, be no "Whig panic." He said that we had heard, in a recent discussion, remarks in favor of the claims of Tennessee for money due her citizens. The claims of Massachusetts had also been spoken of; and claims due Georgia and New Hampshire had been urged, and some of them paid; Pennsylvania, he was proud to say, had no claims upon the treasury of the Union; she asked for no help from the treasury; she was willing to work for her living, and asked only to be let alone.

Mr. WEBSTER said: Truly, sir, we are this morning in a very strange conjuncture of circumstances. The electric telegraph announces from Boston that the steamer has brought information from England, and among the last words of the late first Minister of England, was the declaration that all eyes in England were turned to see how the United States would arrange the new tariff, pointing evidently to an expectation or a hope that the new tariff, to which all the English eyes were turned, would be a tariff more favorable, doubtless, to English interests, and English business, and English concerns, than the tariff now existing. Somewhat of a counter-blast comes from Pennsylvania. All eyes are turned hither from Pennsylvania, not exactly to see how we may modify the tariff to become more acceptable to English interests, and the English people, but to see whether we will sacrifice *her* interests—her great and leading interests—and the interests of other portions of the country having interests like hers, by the adoption of this measure, so much commended already in Europe—so much the subject of parliamentary report and parliamentary recommendation. Is not this, sir, as I said, a singular conjuncture of our affairs? Sir, I propose, before I sit down, to ask the honorable member from Pennsylvania, with great respect, a question or two. I happened to be in Pennsylvania in October, 1844, in divers villages and counties. I saw the preparations that were going on for the then approaching elections; and it appeared to me that the Democratic party in Pennsylvania had three prominent, eminent, distinct favorites. These three favorites were often borne on their flags and banners. I saw them emblazoned in

Chester county, and in Schuylkill county, and in other places. The three favorites borne on these banners were, "Polk," "Dallas," and "The Tariff of 1842." I am rather inclined to think that of these favorites the last mentioned is at this present moment most in favor. I would ask the honorable member from Pennsylvania himself whether he has not seen these same banners floating in various places?

Mr. CAMERON. I answer the Senator with great pleasure. I attended, perhaps, every Democratic meeting within my reach in that State—and some of them were at places one hundred and fifty miles distant from my home—in order to support the great cause of Democracy, and at all these meetings the watchwords and the mottoes were, "Polk," "Dallas," and (before his lamented death) "Muhlenberg," and "The Tariff of 1842." And after the death of our candidate for the gubernatorial chair, they were, "Polk," "Dallas," "Shunk," and "The Tariff of 1842." Neither of the three, sir, would have got the vote of Pennsylvania without the last—the tariff of 1842. Much as we disliked Mr. Clay, and sincerely attached as we were to the Democratic party, all would have gone before we would have relinquished the tariff of 1842.

Mr. WEBSTER. I conceive it is not very important in discussions of this sort, whether an eminent individual, occupying a particular position, is always correctly reported as to any declarations he may have made. It is no matter what may be the meaning of such declaration, if the general impression be produced by the blazonry and heraldry of flags, by popular names connected with popular measures, a particular effect is produced. And I suppose if I were to ask either of the honorable gentlemen from Pennsylvania—which I do not propose to do—whether they, in the various meetings which they attended, have not to their friends expressed often the opinion that the tariff of 1842 would be safe under the protection of those persons whom they chose to place at the head of the Government—I say if I were to ask that question, I take it for granted they would answer that they had held out such an opinion everywhere at all the assemblages which they attended; because I know their attachment to the tariff of 1842, and I know the instructions of their Legislature to secure that tariff, which instructions, I believe, are altogether concurrent with their own private opinions; and therefore I am quite persuaded that if they had had any notion that their efforts in the election of their successful candidates at that time would have resulted in the overthrow of the tariff of 1842, they would have forborne from these efforts.

Mr. ALLEN then said: The Senator from Massachusetts has announced the arrival of the last steamer as a thing having some connection with proceedings on a great question here. He appears to regard it as a most extraordinary circumstance, that the telegraphic information

which we have of the last words of the British Minister upon his defeat in the House of Commons, had reference to the probabilities of American legislation. I could name men upon this floor, sir, from whom such an announcement would not have taken me by surprise. But when I come to consider the deep solicitude which, in the preceding part of this session, and pending another great public measure, the arrival of British steamers was looked for—and looked for by the Senator from Massachusetts himself—I confess that I am a little amazed that the same manner of arrival from the same country should now startle him so much. Sir, we had the Oregon question, which involved the division of a part of this great republic with Great Britain; and pending that great question we were commanded from day to day to hold our breath, until the British steamer announced the will and behests of Old England in the matter. We were desired to look to the arrival of British steamers, because it was supposed that the intelligence which they would bring from England would have a direct bearing on the event of peace or war between the two countries; and because it was necessary that we should know what they were about in England, for fear that in the absence of that knowledge, we might involve the country in a war, and break the concord that existed between the two nations. But now it seems that all of that ardent sympathy which superinduced such an overwrought desire to maintain a good understanding with Great Britain, is surrendered. We were told that in the event of war between the two countries, we would not only disturb the peace of the world, but interrupt that harmonious intercourse between the two countries, which contributed so materially to their mutual advantage. But now, on another subject, the arrival of a British steamer, bringing with it the announcement of the expectations of the British Government, is given as a reason why the course of American legislation should be arrested, because it may, perchance, prejudice the harmonizing free trade which was announced to us a few months ago as being so essential to the prosperity of the people of the country. I was never in love with British steamers, and never legislated by their arrival or departure. And I do not rise now for the purpose of saying that the Senator from Massachusetts is wrong in the intimation, that we should not shape our legislation to suit the views and wishes of the British Cabinet. I do not say that he is wrong. I rise only for the purpose of marking the fact, that but a few months ago the Senator was in the habit of announcing the arrival of British steamers from a very opposite motive. Then we had a question about territorial boundary pending. Then we must pause to learn what intelligence British steamers would bring, until some of the newspapers said we had better have our sessions on board the steamers, so that we could more promptly shape our legislation according to the

shiftings of British opinion. Sir, I believe that in this matter, as in the other case, we ought to act utterly irrespective of the legislation of Great Britain—that we ought to act only in reference to the general good of the great body of the American people, taking no heed of what may be said or done on the other side of the water, but acting uniformly in that spirit of independence in which our fathers acted when they declared their independence.

Mr. WEBSTER. Mr. President, I—

Mr. BAGBY. I desire to know what is the question?

The PRESIDENT. It is a motion to print a memorial presented by the Senator from Pennsylvania, for the use of the Senate.

Mr. BAGBY. Is that debatable?

Mr. WEBSTER. Certainly, sir. I was about to remark, Mr. President, when I was interrupted, that, as far as I can understand the observations of the honorable member from Ohio, I must say that they do not appear to be marked by that singularly strong logical deduction which generally characterizes his arguments. The gentleman seems to suppose that it is important—or that I deemed it important by what means news of some magnitude or importance is brought to us from England—whether it comes by steam, or whether it is telegraphed from Boston. I should imagine that the gentleman would hardly suppose that its being despatched by telegraph was any thing more than stating the rapidity with which it was conveyed to us; and that the important thing was that, in the judgment of that distinguished man, the late first minister in England, the eyes of England are all turned at the present moment to the proceedings of Congress upon this tariff subject. Well, if that be so, it is because the people of England have an interest in that question. Now, sir, the honorable member thinks that I received news respecting the Oregon matter by the steamer with a very different feeling. Undoubtedly I did. There was then a national question pending between us and England. England had one side of the question, and we had the other; and as my own anxiety was for peace, I was of course desirous to know by every arrival whether the progress of opinion in England—the state of public opinion, and the sentiments of the British Government, so far as known—were such as we might expect a settlement of the controversy upon terms favorable to ourselves. That was an international matter. There were two sides to it. We could not make a treaty alone. I confess, therefore, that I awaited the arrival of every steamer with anxiety, because I wish for peace with England—honorable peace—permanent peace; because I anxiously looked to the moment when that state of things should exist between us and England that has not existed before since the “stamp act”—that is, a state of peace, and with no cause of quarrel; for from the time of passing the stamp act till the

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15th of June last, we have never been without the pendency of some cause of controversy with England. I wished to see the last of these matters settled. I had the gratification of seeing it settled. I had the gratification of seeing the relations of the two countries placed upon a permanent basis of national friendship, peace, and harmonious intercourse. Now, is there any analogy between that case and my desire to know the feelings of the British Government and the British people in regard to this case, which is a question of domestic policy, in which we are bound to consider exclusively the interests of our own people, and in which England has no right to interfere?—for this is an American question. I will only say, that it does seem to me that if some politicians in this country had had the opinions upon questions of American policy as much quoted, commended, printed, and distributed, in England, as others of our public men have had theirs quoted, printed, and distributed, I am of opinion that there would have been a prejudice excited against them by the general voice of the country, as being in some sort submissive to British interests. I don't mean to say it is so. I don't think it is so. I do not impute any such sentiments to any gentleman here or elsewhere; but I say my honorable colleague the other day proved that this question was one of preference to be had between English labor and American labor, between English employment and American employment. Well, then, I do say, that when in the pendency of such a question here within these walls, there comes such news from England, and a very contrary voice from Pennsylvania, and the laboring people of this country, it is an extraordinary conjuncture of circumstances; and I am sure the honorable member from Ohio will think it is so. I repeat that I accuse nobody—far from it—of having any disposition to postpone the best interest of our own country to the interest of any other country under heaven. But I must speak of measures according to their character and tendency; and in questions between us and our great manufacturing rivals, we cannot shut our eyes and ears to what we see and hear of the opinions of these rivals. I do not wish to pursue these observations, which are somewhat irregular. Another more fitting opportunity will occur.

Mr. SPIGHT then moved that the further consideration of the subject be postponed until to-morrow, in order to resume the consideration of the treasury note bill.

The PRESIDENT said that the question pending was upon the printing the document.

Mr. SEVIER wished to give it the same direction which the petition presented the other day by the gentleman from Massachusetts had received.

Mr. WEBSTER. Certainly.

The motion to print was then referred to the Committee on Printing.

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On motion of Mr. LEWIS, the Senate resumed the consideration of the bill authorizing the issue of treasury notes and a loan. The question pending being, upon the amendment submitted by Mr. BAXTON, striking out the following clause in the first section of the bill, viz.: "and in place of such of the same as may be redeemed, to cause others to be issued."

Mr. NILES expressed his concurrence generally with the sentiments which had fallen from the Senator from Missouri, when the bill was before the Senate yesterday. But it struck him that if these treasury notes were not to be reissued, there was some danger that they would all be paid into the treasury shortly after they were issued, so that the benefits resulting from them would be only partial and temporary. No greater amount than the ten millions could, in any event, be issued. It was very important that the bill should be passed without delay, and as he had no desire to embarrass its progress, he would vote against the amendment.

It was calculated that the expenses of the war before the end of the year, would be twenty-five millions. To meet this, it was estimated by the Secretary of the Treasury that six millions would accrue from the reduction of the duties on imports; and the graduation bill—if any bill under this name should pass—was expected to produce about half a million. Then there was this bill, authorizing the issue of treasury notes, and a loan to the amount of ten millions. How was the deficiency to be supplied? As for the plan of raising additional revenue by reducing the duties on imports, it was a mere experiment. He had no faith in this calculation. And suppose this experiment should fail, as he believed it would, there would be left at the least ten millions unprovided for. He believed that our financial affairs were much disposed to get into a very sad condition. We had had a little experience in the Florida war, and in the Black Hawk war, which should teach us the necessity of making adequate provision to carry on our operations. He would vote against the amendment.

Mr. J. M. OLATON said, these treasury notes would all be absorbed at the custom-houses. They are then to be reissued, and after they shall have been reissued, in what manner is it proposed to redeem them? There will be no funds in the treasury, and it can only be done by anticipating the revenue. The course of the Senator was consistent. But, he asked, how do other Senators on that side stand, who would put us in debt without providing the means to pay, at the end of the year, when the notes will fall due? It must be evident to all that we shall be in this condition. No tax was proposed for the purpose of redeeming these notes.

It was a wise axiom of Mr. Jefferson: "Never borrow money, without at the same time laying a tax for the payment of the interest, as well

as the principal, as it becomes due." The Senator from Connecticut was willing to give the power to reissue these notes, but admits that there will be no means to redeem them. He had no desire to embarrass the bill; but he would put it to gentlemen, if it was not in accordance with their own party principles, to provide a tax for the payment of these notes. No intimation had been given of any intention to impose a tax for this purpose. And what will be the consequence? We shall be going on multiplying debt; and if the war should be of long duration, this ten millions will be increased tenfold. He called on gentlemen to say how they proposed to pay these debts; whether by submitting at the next session a scheme of taxation, or by authorizing a loan, or by a new issue of treasury notes? He should vote for the amendment, because the people will in this way be made better to understand the true situation of their affairs.

Mr. EVANS did not concur with the Senator from Delaware in his views, and would vote against the amendment. Gentlemen seemed to be under the impression that the debt might be increased, by these reissues, beyond the ten millions. This was an erroneous view. Not any reissues could have the effect of increasing the debt; and if the notes are not reissued, they will come in in sixty or ninety days, and the Treasury will be embarrassed. Experience has established this fact. If the notes are not to be reissued, not a single note will be issued by the Secretary. He will resort to a loan as the best mode; and he (Mr. EVANS) was opposed to a loan, because it would draw eight or nine millions of gold and silver from the commercial cities of the North to transport for expenditure in the South. The effect of this would be to lessen the amount of duties, to embarrass the revenue, and cripple the banks. Under such circumstances, on what terms do gentlemen think a loan can be negotiated?

Mr. MILLER was opposed to the bill. Under a well-regulated system of finance he would not object to an issue of treasury notes. But it is now proposed to issue these notes without any provision to meet them when they fall due. This, however, may be got over at the next session. But it is proposed to reduce the revenue ten millions, by the reduction of the tariff, and, at the same time, to borrow ten millions. This will make us worse off by twenty millions at the end of the year than we are now. What would be thought of an individual who would go into the market with his note for ten millions in one hand, and in the other a statement that his income was reduced ten millions, while his expenses were increasing? He objected to the introduction of these measures, which were connected with the monstrous free-trade system which her necessities had forced Great Britain to adopt, and at which even the untimid Democracy of Pennsylvania had become terrified. The new tariff, he believed, would not produce a revenue

exceeding twenty millions, now that the friends of the Administration had stricken out the duties on tea and coffee. It was admitted by his friend from New York, (Mr. DIX,) that the warehouse bill was not likely to be productive of revenue for the first year. As to the graduation bill, its fate was at present very critical. He wished some one would inform the Senate—some one whose opinion would have influence on public sentiment—how long the war was likely to continue. He thought it desirable also that the country should be enlightened as to the real object for which it was commenced.

Mr. CALHOUN, after a few remarks in explanation and defence of the provisions of the bill, and in opposition to the views of the Senator from Missouri, in support of his amendment, said: I do not wish it to be understood that I have departed in the slightest degree from the opinion I expressed in the early part of the session, that the very first step in the preparation for war was to establish a good system of finance. The only proper way of meeting the expenses of a war is by taxation. That is at once the least burdensome and the most honest method. But there is another and stronger reason: unless you resort to a good system of taxation, your borrowing must be upon the most usurious terms. If it shall turn out, when we meet here in December next, that our expenditures have greatly overrun the income and the loan, even the most prompt action will not enable the Government to borrow but at a very high rate. The only possible excuse, in my opinion, for not having organized, at this session, an adequate system of taxation, are two: first, because we have got into the war suddenly and unexpectedly; and secondly, because the impression has prevailed that the war may be a very short one. I trust that the war may turn out to be a short one; for if it be not a short war, it will prove a most expensive war; and, in proportion to its expense, it will prove one of the most onerous wars ever waged. The very fact, that the money has to be spent in another country, and upon the most distant frontier, will make a given amount of expenditure vastly more oppressive than if the money were expended within our borders; and the truth of this will be felt, should the war unfortunately continue, which I hope it will not. But really, Mr. President, I can offer no excuse why duties have not been laid on coffee and tea. It was so clearly right—it was so evidently proper as a tax, even in peace—so preëminently proper in time of war—that, in my opinion, no apology for not imposing that tax can be offered. The fact that we have not resorted to it, will be attributed to a motive, in my opinion, well calculated to shake the credit of the nation, should loans be necessary. It will be supposed that we are afraid to meet the moneyed responsibility of war—the only great responsibility of a country at war in modern times. There is no responsibility in getting men—in getting volunteers. We have the

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*Issue of Treasury Notes.*

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largest body of ardent, patriotic, enterprising youth in the world, in proportion to our population—anxious to rush into war—of which we have had ample testimony. Thousands have flocked to your standards, who could not be permitted to become volunteers. The struggle was, not who should remain, but who should go forth to defend the country. The responsibility is, to meet the expense; and I think no apology can be offered for the neglect in providing means to meet that expense by imposing a tax upon the two articles which I have named. I make this declaration to free myself from any responsibility on account of that neglect. I do trust that a bill will be introduced before the end of the session, to impose this duty. It is due to the country as well as to ourselves.

Mr. WEBSTER expressed himself in opposition to the amendment, because it was calculated to defeat the main object of the bill.

Mr. BENTON. While the debate has been going on this morning, I have taken the trouble to look over the acts passed during the late war with Great Britain for the issue of treasury notes. These acts were six in number, and they were the first ever issued under the authority of this Government—so slow were the founders of this Government to commence the business of issuing paper. I have looked over the whole of these acts, and not one of them contains a clause of reissue; and every one of them contains a clause which this bill does not—and that is, a provision for the payment of the notes. The last of the six acts authorizes the funding of the notes; so that the whole of the six acts first passed by Congress for the issue of treasury notes differed from this bill, first, in the great feature of not being re-issuable, and next, in the provision which is made for the payment of the notes. The act of 1837 followed the old acts; but this departs from them all; and, in that respect, is condemned by the wisdom of our ancestors. The clause in the bill, as it now stands, is in these words:

“That the President of the United States is hereby authorized to cause treasury notes to be issued for such sum or sums as the exigencies of the Government may require, and in place of such of the same as may be redeemed to cause others to be issued, but not exceeding the sum of \$10,000,000 of this emission outstanding at any one time, and to be issued under the limitations and other provisions contained in the act entitled ‘An act to authorize the issue of Treasury notes,’ approved the 12th of October, 1837, except that the authority hereby given to issue treasury notes, shall expire at the end of one year from the passage of this act.”

The objectionable feature of this clause is in the words which authorize other notes to be issued in place of those redeemed. This is paying paper with paper: it is banking. And why is it now, for the first time, put into a treasury note bill? Admitting that a clause of reissue was subsequently added to the act of

1837, by a supplementary act, yet that addition was so odious to the hard money part of the Democracy that they refused to vote for it. The loss of their votes, however, was supplied by the acquisition of others—by the acquisition of all the votes of all the friends of banking, local and national. This bill, departing from all those of the late war, and also from the act of 1837, authorizes a reissue of notes; and in that respect makes an open and long step towards national banking. To be sure, the word *reissue* is not in the clause, but it is the same thing. Other notes are to be issued in place of the notes redeemed; and thus paper is paid with paper. In that we imitate the banks. But gentlemen console themselves with the proviso, that no more than ten millions shall be out at any one time. That is no limitation on the amount to be issued. The same note may be issued, or, what is the same thing, another one from the same plate may be issued, and that times over, without limitation; and every time the substitute is issued, it creates a debt the same as the original, which must be paid: The bill professes to ask for ten millions; by this reissue, or substituted issue, the ten millions may be issued many times over. With this clause in the bill, no one can tell how much he is voting. I cannot. No one can. If ten millions is not enough, ask for more. Ask for all that is wanted, and get it openly and responsibly, and not covertly and irresponsibly, as this reissue clause will do it. We are in the war, and we will go through with it; but let us see what we do—let us see the amount which we vote. This bill conceals from us the amount of the supply which we vote to the treasury. On its face it is ten millions: with the reissue clause it may be as many times ten millions, as the whole, or a part, may be put out again. It is a delusion to speak of the amount in circulation at one time: it is the aggregate of all the time that gives the measure of the vote, and the real amount which the bill authorizes. Gentlemen say the notes may return promptly to the treasury in payment of duties. Very good! they are received in place of money, and if not put out again, the cash will come for the duties the next time. You will get the money at the end of the year, if not at the beginning. But, under this system of reissue, it will be paper all the year round. Upon the same principle that the original note comes back immediately in payment of duties, the substitute will do the same; and thus the treasury will have nothing but paper in it. It is the same as if an amount of notes were authorized equal to the whole amount of the revenue: in that case the whole revenue would be paid in paper, and in the Government's own paper; and the treasury would have nothing but dead paper in its coffers. Instead of unlimited issues of paper, they ought not only to be limited, but limited to the lowest possible amount; and thus it was in former times. The first treasury note bills were for only five millions; and when

larger sums were authorized, it was as part of a loan, and only to be resorted to after the loan had failed, and to the extent of the failure. But here we set out not only for a large issue of ten millions—itsself double the amount of the first treasury-note bill in the war with Great Britain—and unlimited at that time. The reissue may make it double ten, and it will only be after all the issues and reissues are over, and the whole added together, that we shall know the amount which this bill authorizes. I am against such indefinite legislation. I am against vague, unlimited authority to create debt. I am against converting all our revenue into paper, and that paper our own. I object to bank paper, and to federal paper just as much, or more. Mr. President, this treasury-note bill is every way objectionable to me—in its detail, for the reissue feature—in its policy, for coming so early in the war with Mexico, and without laying the proper taxes, and without waiting for the issue of loans. A solid system of finance can only be bottomed on taxation; loans are only justifiable when taxes cannot be gathered in time, or in sufficient amount. As for treasury notes, they are the last thing to be resorted to, and that in the uttermost extremity; but now they are the first. They are a facile, seductive, insidious, ruinous mode of getting into debt, and throwing burdens upon posterity, and I abhor them. With great difficulty I could be brought to vote for the bill in its best form; but with the clause of reissue, it is impossible for me to touch it.

Mr. PENNYBACKER spoke briefly against the amendment, but was not distinctly audible in the gallery.

Mr. WESTCOTT said, as the yeas and nays were called for, and as he intended voting for the amendment of the Senator from Missouri, he considered it due to himself to give the reasons for his vote. The provision authorizing the reissue of the treasury notes he regarded as turning the treasury into a sort of Federal bank; true, without the power of discount, but liable to all the vices of banks, and even some that the State corporations had not. This authority to reissue would afford facilities for frauds, and confuse the public accounts and business. Again: the issuing of treasury notes was one form of obtaining credit by the Government—was but a mode of borrowing. This bill allowed ten millions to be issued. Each time these notes were reissued, a renewal of the loan took place; it was a new loan or credit of ten millions. The process, in fact, made the loan equivalent to a loan of twice or thrice ten millions. Mr. W. said he could not believe the striking out of this clause could embarrass the Government before next session. But little more than three months must elapse before Congress met again. In the mean time the treasury had the balance on hand, the current accruing revenue, and the power to resort to direct loans, and then the ten millions of treasury notes. Surely these will be ample

resources; but if not, give fifteen or twenty millions of treasury notes; but do not turn the treasury into a bank of circulation—into a manufactory of a paper currency, which may be always kept up to ten millions. Mr. W. said he believed the bill all sufficient without the clause of reissue. This clause would probably please the brokers and fundmongers, but he should vote against the bill, if it was retained.

Mr. DAYTON then rose—

Mr. LEWIS remarked that the hour for taking up the special order had now arrived.

Mr. DAYTON called the Senator from Alabama to order.

Mr. LEWIS said he had a right to move the special order.

Mr. DAYTON. Not while he (Mr. D.) had the floor. Mr. D. then briefly supported the amendment.

Mr. YULEE submitted an amendment to the bill, imposing a tax of twenty per cent. upon tea and coffee, the proceeds of said tax to be appropriated to the payment of the treasury notes issued under authority of the bill.

Mr. BAGBY was in favor of the amendment, not on the ground maintained by the Senator from Missouri, that the reissue would increase the amount, but because otherwise the precise amount that was out would not be known; and, secondly, because it struck against a principle in opposition to which he and his friends had always contended; he did not wish any banking—much less treasury banking.

After a few remarks from Messrs. R. JOHNSON and ALLEN,

Mr. LEWIS expressed the hope that the Senator from Florida (Mr. YULEE) would not press his amendment, as it would only serve to embarrass the bill.

Mr. YULEE replied that he had no desire to embarrass the bill, and would therefore withdraw the amendment, hoping, however, that a bill to the same end would be introduced and passed.

No further amendment being offered, the bill was reported to the Senate, ordered to a third reading, and, by unanimous consent, read a third time and passed, without a division, in the precise form in which it was received from the House of Representatives.

MONDAY, July 20.

### The Tariff.

The Senate, as in Committee of the Whole, proceeded to the consideration of the tariff bill.

Mr. NILES spoke in opposition to the bill. After a few general introductory remarks, he remarked that he would first say a few words on the relative merits of the tariff of 1842 and the bill. The act of 1842 had never been an object of assault on the part of the Democracy of the North. On the contrary, it was the object of defence. Certain details had been



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The Tariff.

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objected to—some of its provisions had been regarded as discriminating unjustly; but these objections had been urged chiefly for the purpose of meeting the extravagant pretensions in its favor set up on the other side. The uniformity and stability of the operation of the law was without parallel. He then spoke of the new bill as an Administration measure. As a friend of that Administration, he profoundly regretted the introduction of the bill, and as a friend of the Administration, he would vote against it. He would use the language of Edmund Burke, who on one occasion remarked, in justification of his opposition to a measure of the Minister, that he "was supporting his lordship's interests against his lordship's opinions." He then proceeded to state his objections to the bill. First, he objected to it on the ground of its introduction at the present time, when the nation was involved in the expenses of a war. Next he objected to the manner in which the bill had been prepared and introduced. There was something novel even in that. If it passed, it would pass against the judgment of a majority of the Senate. A sort of special Congress—a very small Congress—a supplement of Congress, composed of subordinate custom-house officers, had been convened for the purpose of arranging the details of the bill. He had gone to the room of the Committee of Ways and Means of the other House, in order to attend to some business of his constituents, and there found that it had been taken possession of by these custom-house officers, who very politely told him that they would look into his business. He complained of such a mode of manufacturing the bill—a bill full of strange crudities, and conflicting provisions and principles.

He then went on to speak of the principles of the bill. It was the mere creature of the theory in the Secretary of the Treasury—a theory founded on the old exploded philosophy of putting forth categories and bringing your facts within them. It was destitute of the principle of incidental protection, which he would not allow to slip through his fingers by any *hocus-pocus*, legerdemain, treasury management, or any other sort of management. All these themes and abstractions he held in utter contempt. He had no respect for them. He would frame a tariff law, as he would any other law, on the principles of common sense. He would look to the effect of the law, not only on the treasury, but its effect incidentally, collaterally, every way. He would make it productive of revenue, and at the same time as little burdensome and as highly beneficial to all the interests of the country as possible. The *ad valorem* principle was another new one, and he wished to know why it was so pertinaciously adhered to? Was there any other reason, except it was the favorite abstraction of somebody, though universal common sense revolted against it? He showed the bad and oppressive operation of the *ad valorem* scheme, instancing the articles of

iron and molasses. A steady and safe principle was wanted. He then entered on an examination of the details of the bill. He contended that the great woollen interest—soon to be far greater than the cotton—was not sufficiently cared for. A consignment of fifty thousand pounds of wool from Chicago, was sold the other day to the proprietor of a carpet factory in one of the eastern States. Wool was hereafter to be the great staple of the north-western States. Ten millions of wool was consumed annually in his State. Such was the great and growing interest—he would not say, sacrificed—but certainly not sufficiently cared for by the bill. The manufacture of ready-made clothing, which afforded employment to so many thousands of poor females, was left entirely unprotected. Manufactures of iron received Irish protection—protection downwards. He described the legislation of Great Britain, with respect to the iron manufacturers, which enabled the British manufacturer to undersell the American. The British manufacturer got his Swedish iron free of duty—the American paid 80 per cent. for it. But Great Britain legislated on principles of common sense, not on theories and abstractions. Such was the way in which they treated the laborers engaged in the manufacture of iron. Well, they might not have much logic, but they had nerves, and when they felt, they would make themselves heard. He then spoke of the duties on paper. He was a paper manufacturer himself; and though it had been said that all manufacturers got everlastingly rich, yet he could only say for himself that he had got almost everlastingly poor. The bill, he argued, would have a most injurious effect upon this interest, including the book interest also. He stigmatized the folly and blindness of taxing the raw material, and went on to describe the injurious operation of the bill on the silk interest. He was contending, he said, for the interests of the free labor of the country. He was contending for the principle of the greatest good to the greatest number. He believed that was democracy. At all events it was sound legislation. He then proceeded to speak of the bill as a financial measure. He alleged that there would be a very large diminution of importations. The prudent and sensible men engaged in commerce would suspend and curtail their operations. Then he spoke of the general policy of the bill. The design of the bill was to attempt by legislation to change the course of the industry of the country. Could they dare to do that? In order to do what? He would not say to benefit slave labor. He was there to defend free labor, which was menaced by the bill. The policy attempted was to stimulate the exportation of the staples of the country, and the returns of importations, at the expense of all the domestic industry of the country. It seemed to be intended to bring society back to the primitive ages—to confine human labor to the production only of the fruits of the earth. Was that pos-

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sible? He was convinced that it was not. Even if wise, if consistent with the intelligence of the age, would it be just thus to sacrifice the interests which had grown up and taken deep root in the country, which demanded protection, and which would have it? All history proved that no nation could be great and flourishing without the cultivation of the arts, employing all the industry of the country. It was the result of such accumulated and diversified industry that had made England and France what they were, and which even now gave such promise of future greatness to this country. But if the bill passed, all that compromise was nipped in the bud. It would be equivalent to an act of general confiscation. In describing the disastrous effects of the repeal of the act of 1843, he said that the only parallel to it to be found in history was the repeal of the Edict of Nantz. The reason urged why England should pursue such a course, is an argument why we should not pursue it. Her interests are in conflict with ours. What if she has reduced some of her duties? It is generally upon such articles as compose her export trade. England never indulges in experiments and theoretical speculations. She goes on known facts. She is modifying; we ought to modify. But she is not uprooting. Her legislation is always based on knowledge, not on theoretical speculations. The true policy of our country is to increase its exports, not its imports. Mr. N. here read a table, showing that we import more largely from England than any country in Europe, proportionally resembling, in this respect, one of her colonies. The times of our greatest commercial difficulties were times of large importations. In these times every thing was at a stand; grass grew in the streets; every thing looked as if the pall of death had been thrown over us. Why, then, are attempts made now to stimulate importations? Examples are numerous to show that we need no stimulus to increase importation. Our imports too frequently overrun our exports. England—as seen by a table to which he referred—always sees that her exports are as great, and generally greater, than her imports—in some periods nearly double.

He felt it his duty to say something on the political aspect of the question. The party to which he belonged had tried to make it their party measure. If so, it must be founded on that party's principles. Are the principles of this bill Democratical principles? He was obliged to use these names. He always believed it wrong to connect this question with the politics of the country. It was wrong to endanger this measure—to have it sink or rise by the rise or fall of parties. It is unwise to tie it to party: but if it is to be made a party question, we must see whether it is in accordance with the party's principles. The principle of this bill has a strong southern taint—a squinting towards cotton and tobacco. As a northern man, he must look to the known

feelings of his constituents on this question. He believed this bill entirely different from the principles of Democracy. A great body of the Democracy believed in discrimination for protection. A strong body of the Democracy had written to him just after his election, anxiously asking whether he would desert them. He replied, he would not; and he would stand upon the record. Are we to be robbed of our principles by agreeing with the Secretary that there can be no discrimination for protection? May we not find ourselves arrayed against our own people? He considered this bill hostile to the Democracy of his State, and to the Democracy of the North generally. He had gone as far as any man could with a safe conscience. Some might think that he had sometimes gone too far; however, he thought he had gone as far any man could safely go; but there was a limit beyond which he would not go. There was an adage at the North—homely but full of meaning—"Let every tub stand on its own bottom;" but when northern tubs stand on southern bottoms, they don't stand very steady. Not long since we had a public man who had accommodated his northern principles to southern men, so much that he had been called a northern man with southern principles. However this might be, the South prevented him from running again. The South, whether they had the President or not, always had the central paper, to manufacture public opinion—to manufacture Democratic sentiment. It is said that there is an attempt now made to manufacture public opinion. It is said that this is the great measure of the age. And we are called upon, for this, to sacrifice the interests of our constituents. It appears that we must be still bawlers of wood and drawers of water to England, and this is the great measure of the age! But we must maintain our own principles at the North. This bill will not obtain the moral sanction of the community. If passed, it cannot stand long. It will throw a doubt over every thing. The measure was in the hands of his friends all around him. He was embarked in the same ship with them. If the pilot errs, and the ship is driven on the breakers, all must go down together. Though he looked upon this as a fatal measure, yet, if they voted for it, and the ship is run upon the breakers, he would not desert the ship. He would go down with them; but he would have a consolation which they could not have. He had raised a timely voice, and he had stretched out a timely hand, to arrest the calamity. He had done what he could—what was his duty. He had raised his voice early, when he found out the extraordinary course to be pursued by his friends. That voice had been heard throughout the country. If that voice could only arrest this measure, he would feel that his public life had not been altogether unproductive of good. It would be more productive of good to the country than he ever expected it to be. But whether he succeeded in arresting it or not, he

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felt it to be his duty to state that there was at least one on his side of the Chamber who could not be whipped in to support any such measure. Why is this bill pressed under existing circumstances? He had asked his friends again and again why such a measure was pressed at such a time as this. No reason had been, and none could be, given. He hoped it would not be pressed through at such a time as this. It should be passed over to the next Congress. Let the people have a chance to pronounce judgment upon it. They had not had that opportunity. Now that it has been brought before them, let them decide. He considered himself bound by the people of his State to vote against it. He had denied the right of instruction; but here are instructions, [pointing to a book before him containing some statistics of Connecticut;] to these instructions he would adhere. They were the record of the interests of the industry of his State. In this hour the people of his State expected him to stand by them, and he would not fail. He would appeal to the southerners, even, around him—to their sense of justice and candor. This measure may be for your benefit; but, like the frogs in the fable, though it may be sport for you, it is death for our constituents. He would appeal to southern gentlemen whether they will press a measure upon the North so unjust and so unequal. Thus appealing, he would leave it with them, prepared to abide the issue, whatever it may be. He would have the consolation that he had done his duty. He wanted no sectional measures for the benefit of his constituents. It had been said that the protective policy was a sectional measure. He did not so consider it; but even if it had been so, do not remedy one evil by committing another. Will you remedy one wrong by committing a greater wrong? If this measure becomes a law, the damage will not only be serious, but it will take long, long years to repair the injuries which it will inflict upon the country.

TUESDAY, July 21.

*The Tariff.*

Mr. DAYTON presented a remonstrance from citizens of Mercer county, New Jersey, remonstrating against the repeal of the tariff of 1842, and particularly of that part which relates to the manufacture of glass. In presenting this petition—

Mr. DAYTON said that he would call the attention of those who have control of the question, especially to one of the interests protected by the present tariff; that he should do this in the briefest form, and with a view simply to discharge a duty. Many of the particular interests of those he represented had been largely referred to by others. Cotton and iron are not apt to be overlooked in debate, though lesser interests, such as the manufacture of glass, to

which he was about to refer, may be. It has been so now. While the articles before referred to have received much attention, the article last named has scarcely been referred to at all; or if referred to, it has been as if it were protected by existing duties almost to prohibition. Sir, this is all wrong. The protection afforded by the act of 1842 has been greatly misrepresented, and I wish to put the matter right. New Jersey is largely embarked in this manufacture. The census of 1840 shows that she produces more glass than any State in the Union; about one-third, indeed, of the whole amount. This interest, particularly as respects window glass, is most unfairly dealt with in the bill before the Senate, and in some of the papers which accompany the Secretary's report.

The act of 1842 imposes a specific duty on all kinds of window glass, varying from two to ten dollars per 100 feet; the lesser duty for the smaller sizes in common use, and the heavier for the larger.

The tariffs of 1832, 1833, 1834, and 1816, had each *specific* duty on window glass, and on the smaller and medium sizes a duty higher than the act of 1842. The act of 1842 was, therefore, but following out the course of legislation from 1816 to that time. But, on the amount of duties imposed by the act of 1842, there has, by some at least, been gross mistake, as I believe. Mr. Secretary Walker has attached to this report a table to show the extravagance of existing duties. This table purports to give the price of window glass in England per hundred feet, and is furnished by Mr. William Chance, Jr., an Englishman, as I am informed, and agent for the firm of Chance & Brothers, glass manufacturers, Birmingham, England. This table makes on window glass our present average duty *ad valorem* 140 per cent. Now, sir, if I am correctly informed, the prices named by this agent are in fact the prices of boxes of 50 feet only, and not 100; making a difference in the calculation of one-half at once. I would have supposed that this could not be so, had it not happened that the report itself (on page 41) proves that it must be so, or that there is some other mistake equally important. On that page the Secretary gives a table, showing the imports of window glass of last year, principally from England and the amount of duties. These duties he has himself converted from *specific* into *ad valorem*, and, instead of 140 per cent., he makes them on those imports 89½ only. And by another table, subsequently furnished, to show the anticipated increase of importations under this bill, he makes the duty still less—88 1-10 only. The table, therefore, furnished by Mr. Chance, and incorporated by the Secretary into his report, is, I am constrained to believe, grossly erroneous and delusive. It is calculated, I do not mean to say intended, to mislead the Senate and country. A duty of 88 1-10 is not extravagant. Glass is manufactured from a material of little intrinsic

value, and is the product of manual labor, not machinery. Its value is principally in this labor, which is thus brought in direct competition with the miserable, ill-fed, ill-paid labor of Europe. But, sir, while this bill reduces the duty on all kinds of window glass to 20 per cent. ad valorem, and thus diminishes protection, it adds to the cost of the manufacture here. Soda ash, (which is principally imported, and much used in making glass,) under the act of 1842, paid a duty of five per cent. only, while under the present bill it is charged with 10—thus, in every way, injuriously affecting the glass manufacture of this country. Sir, there is no interest in the whole range of American industry better entitled to protection, and there is not one under this bill, as they represent it, worse used. Glass, and more especially window glass, enters into the consumption of the whole country; it is used as well by the inmate of the cabin as the palace. Its great value, too, is in the labor bestowed on its production. It has grown into an important interest under the legislative assurance of protection in every revenue bill from 1816 to this time. While the quality of our glass has, under this protection, been vastly improved, its price in market, under domestic competition, has been constantly diminished. An examination of the imports of last year gives an average value to the imported window glass, *without the duty*, of \$5 41 per hundred feet—while the prices current of American houses show the same, or a better quality of glass, sold at a much lower rate.

This shows, first, the moderate price of the domestic article; next, that the duty of 88 1-10 per cent. on the foreign article could not have been added, as is so constantly contended by Secretary Walker and others, to the price of the domestic; and, lastly, it shows that, with any considerable reduction of the duty, the foreign may drive, and must drive, the domestic article out of market.

Of window glass, cylinder, there was imported last year only to the amount of \$18,855, at an average duty of 87 89-100 per cent. Our Secretary reduces the duties to 20 per cent., and anticipates an increase of importations the coming year of this kind of glass only to the amount of \$100,000. And yet he talks in his report about affording "reasonable profits" to manufacturers. Sir, this is little better than taunting these manufacturers; it is "adding insult to injury." If they can live at all under this bill, it can only be done by reducing greatly the prices paid for labor; by abstracting just so much from the living of their workmen. But I am told that they cannot live at all; that it is destruction absolute to them all.

Now, the labor employed is better paid, and glass is 20 per cent. lower than in 1840-41. This is not the result of improved machinery, (for they use none,) but of an enlarged market and an increased home competition. I desire, sir, if any amendment be made to this bill, to put

window glass in the 80 per cent. schedule, on the same footing with hollow ware. In the present condition of the world it is an *essential*. It is more of an essential than any other kind of glass ware, whether cut or plain; and I can see no good reason why, as in other articles of necessity, it should not receive such protection, in arranging the tariff of duties, as will suffice to preserve it from destruction.

So far as I am able to understand the effect of this bill on the entire glass interest of this country, it seems to me eminently unjust. Instead of the old specific duty, (the universal mode of imposing duties on glass in all commercial nations,) a duty ad valorem has been adopted, and even that reduced below the present specific by almost one-half. The glass-works of this country have now (as I judge from the last census, and certain statistics since gathered) at least four thousand hands directly employed in the manufacture, besides some twelve or fourteen thousand other persons connected with and dependent upon it. The annual production of these works (which have increased vastly since 1840) must approximate four millions of dollars. Their skill has more than kept pace with their production. They now manufacture glass of all colors and shapes, rivaling the best of France, Germany, and England. But, not content with this, the inventive genius of our countrymen has been brought to bear on this article of manufacture. "Pressed glass" (which has tended so much to cheapen and extend the use of glass in families) is, I am informed, an American invention.

But, sir, for all this I fear there is to be no response, no kind return here. Our adversaries sit calm, imperturbable; to every speech they answer only, Question! question! No amount of provocation will, it seems, "draw their fire." They await the *charge*. Well, sir, if we are to be borne down by numbers, and not by argument, be it so. We will appeal to numbers; we will ask the people whether their prosperity shall be thus made the sport of politicians and theorists. If it be predetermined that this bill shall pass without change, as I fear it is, I have nothing further to say; but if modifications of any description are to be admitted, I beg to ask of those who have the power, that they will modify its pressure upon that branch of our industry before referred to.

The motion to print the memorial was referred to the Committee on Printing.

Mr. HUNTINGTON presented a petition of the paper manufacturers of Connecticut, remonstrating against the repeal or modification of the present duties on foreign paper and foreign books.

Mr. HUNTINGTON, in presenting this memorial, described its object, the extent of the interest from which it emanated, and the condition in which it would be placed by the passage of this bill. The manufacture of paper in this country was commenced in 1760; it had

[Mr. Sumner.]

*Widow of General Pike.*

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increased in the amount of its product, while it had regularly diminished in its profits. The capital now employed in it is about eighteen millions of dollars; there are 700 mills in operation, giving employment to from 75,000 to 100,000 persons, a great proportion of whom consist of women. The business is not, as has been incorrectly charged against manufactures in general, in the hands of corporations or wealthy individuals, but of moderate capitalists, who take their personal share in the business. The material used in this manufacture is almost valueless in itself, consisting of rags, cotton waste, ropes, bagging, junk, &c.; the total value of which to the manufacturer is represented at eight millions, only one-tenth of which comes from abroad; the rest being collected from your small villages and hamlets—the cottages of the laborer and mechanic. This memorial states that the six cotton-growing States send raw material enough to these mills to pay for all the paper they consume. It is stated in the memorial, that the new bill will drive all the manufacturers into the production of paper for newspapers, the result of which will be, the ultimate annihilation of the manufacture of paper and the printing of books in this country. It would hereafter be impossible, without loss, to print a Bible in this country.

The memorial was referred to the Committee on Printing.

## HOUSE OF REPRESENTATIVES.

SATURDAY, July 25.

*Widow of General Pike.*

The bill for the relief of Mrs. Pike, widow of the late General Pike, coming up—

Mr. McDOWELL said:

Mr. Speaker: I do not design to occupy the attention of the House but a few minutes on the bill now before it; for it seems to me that no one who has taken the trouble to read the report of the Senate committee, whose report is before us, can have a moment's hesitancy as to the course he should take in reference to the object of the bill. This bill is the result of the investigation of a committee in the Senate of high character for intelligence and talent. It passed the Senate scarcely without opposition; came to this House, and was referred to the appropriate committee here, which investigated the claim, and reported it back with a recommendation that it pass. I know that some objections are urged upon the ground of expediency, but it is now too late to attempt to establish a new rule on subjects of this nature, after the practice of the Government from the days of Lewis and Clarke, down to Wilkes's expedition. Congress has in these cases given large extra pay, because of the importance of the services rendered. If that was a good reason in those cases, surely no one who has made himself familiar with the important services

rendered by General Pike to this Government can deny its force in this. The purchases of Indian lands amounted to many thousand acres, which were procured by him upon the most favorable terms. The explorations also made by him were of incalculable advantage to the Government, in enabling it to avail itself of positions to prevent smuggling by British agents into those then frontier portions of the country, and thereby added thousands to the national treasury.

Sir, I desire it to be recollected, also, that the applicant is the widow of General Z. M. Pike, who gloriously fell at York, Upper Canada, in 1818—a name sacred in our country's history, one that lives embalmed in every American bosom. After having established, as is shown, that such has been the policy of the Government in such cases, I appeal with confidence to every gentleman present, *not* to make the claims of the worthy widow of this distinguished and departed patriot an exception to the rule. I will close, Mr. Speaker, by reading an extract of a letter from Mrs. Pike, to a friend in this city, of the date of January 12, 1846:

"DEAR SIR: Your kind favor came to hand a few days since, and for your unceasing exertions in my behalf, permit me to return my sincere thanks. I have been in ill health ever since I wrote you, seldom able to leave my room; and although for several days past I have experienced some change for the better, there is little prospect of a restoration to even a tolerable share of health. Indeed, under existing circumstances, it cannot be expected. My present dwelling is ill calculated for a security from the rude blasts of a severe winter. I had flattered myself that it would have been repaired ere the cold weather set in; but was disappointed, and must now make the best of it."

I make no further remark. This short extract makes its own appeal to every heart.

Mr. WENTWORTH moved the previous question.

The question recurring on seconding the demand for the previous question, was taken, and decided in the affirmative.

The main question was then ordered; and, being taken, the vote resulted as follows:

YEAS.—Messrs. Abbott, John Quincy Adams, Ashmun, Bell, Blanchard, Brinkerhoff, Brodhead, Wm. W. Campbell, John H. Campbell, Cathcart, John G. Chapman, Chase, Cranston, Crozier, Culver, Cunningham, Dillingham, Dixon, Dockery, Edsall, John H. Ewing, Edwin H. Ewing, Faran, Foot, Fries, Garvin, Gentry, Giles, Goodyear, Gordon, Graham, Grider, Hampton, Harper, Hilliard, E. B. Holmes, Isaac E. Holmes, Samuel D. Hubbard, Hudson, Washington Hunt, Joseph R. Ingersoll, James H. Johnson, Daniel P. King, Thomas B. King, Lewis, Levin, Long, Joseph J. McDowell, Jas. McDowell, McGaughey, McHenry, McIlvaine, John P. Martin, Miller, Moseley, Parrish, Pendleton, Perill, Pettit, Pillsbury, Pollock, Ramey, Roberts, Julius Rockwell, John A. Rockwell, Bunk, Sawyer, Seaman, Severance, Truman Smith, Albert Smith, Thomas Smith, Caleb B. Smith, Stephens, Stewart,

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Thomasson, Benj. Thompson, Jas. Thompson, Tibbatts, Tilden, Trumbo, Vance, Vinton, Wentworth, Wheaton, Winthrop, Woodworth, and Young—88.

YAYE.—Messrs. Stephen Adams, Atkinson, Bedinger, Biggs, James Black, William G. Brown, Bufington, Burt, Reuben Chapman, Chipman, Clarke, Cobb, Daniel, Dobbin, Dromgoole, Dunlap, Erdman, Ficklin, Grover, Hamlin, Harmanson, Hopkins, Hough, George S. Houston, Edmund W. Hubbard, James B. Hunt, Hunter, Andrew Johnson, G. W. Jones, Seaborn Jones, Kaufman, Preston, King, Lawrence, Lumpkin, Macley, McClean, McClelland, McConnell, McCrate, McKay, Barkley Martin, Morris, Norris, Phelps, Rathbun, Reid, Relfe, Rhett, Ritter, Sawtelle, Scammon, Seddon, A. D. Sims, Leonard H. Sims, Stanton, St. John, Sykes, Jacob Thompson, Tredway, Wick, Williams, Wood, Woodward, and Yost—64.

So the bill was passed.

IN SENATE.

MONDAY, July 27.

*Resignation of Mr. Haywood.*

The PRESIDENT laid before the Senate the following letter from Mr. WILLIAM H. HAYWOOD:

WASHINGTON CITY, July 25, 1846.

I hereby respectfully resign my seat in the Senate as one of the Senators from North Carolina.

I have the honor to be, your obedient servant,  
WM. H. HAYWOOD, Jr.

Mr. WEBSTER said that as the other Senator from North Carolina (Mr. MANGUM) was not in his seat, he would move that the President of the Senate be requested to transmit notice of the resignation to the Governor of the State of North Carolina.

Mr. CALHOUN said that he did not know what had been the practice in such cases, but he took it for granted that the Senator had communicated his resignation to the Governor. He had no doubt done his duty; and in his (Mr. C.'s) judgment it was rather irregular to go on the supposition that he had not done his duty.

Mr. BERRIEN remarked that if he recollected right, the resignation of a seat in that body could be regularly made only to the President of the Senate. He thought that notices of resignation were usually followed by such a resolution as that offered by the Senator from Massachusetts.

Mr. CALHOUN said it was not a matter of much importance, but it was always best to do things in order.

The PRESIDENT then stated, that in the two most recent cases of resignation—that of Mr. Franklin Pierce and Mr. Samuel Prentice—the President of the Senate was, on motion, authorized to notify the Executive of the States of the resignation of the Senator.

The motion was then adopted.

TUESDAY, July 28.

*Resignation of Mr. Haywood.*

Mr. BENTON rose and said:

I rise to ask the indulgence of the Senate to make a remark upon the occurrence of yesterday, which a slight delay in arriving at my seat prevented me from making at the time it happened. I allude to the resignation of Mr. Senator Haywood, read to the Senate yesterday morning at the opening of the session, a few minutes before I came into the chamber. I ask the indulgence of the Senate to say now what I should have said then, if I had been present.

["Leave, leave," "proceed," from various parts of the chamber.]

I have to say, then, that I was cognizant of all the motives and feelings which actuated Mr. Haywood from the beginning to the ending of the circumstances which led to this painful occurrence. He was absent from the city when the bill which has occasioned his resignation, came up from the House of Representatives. On his return to the city, and within a few minutes after his appearance in this chamber, he called me aside to let me know that he had insuperable objections to the bill, and desired to talk it over with myself and other friends, with a view to amend it into a form which would enable him to support it. To the Senator from New York, who sits on my right, (Mr. DIX,) he said the same thing at the same time; and ended with asking to see us both at my house that evening. Of course, we met as requested. It is needless to detail what passed; a general statement will be sufficient as the basis and justification of the opinions and sentiments which I propose to express. Mr. Haywood went over the grounds of his objection to the bill, and declared the impossibility of his voting for it unless essentially amended. I agreed with him in his objections—I mean objections generally, both to the bill, and to the mode and manner of getting it up, and getting it through—but objected to all attempts to amend it, for such reasons as I had—the honor to expose to the Senate on yesterday; and stated my own determination to vote for it, objectionable as I held it to be, as the means of putting an end to the act of 1842. He reiterated the impossibility of voting for it; and from that moment, the question with him was, between a motion to postpone the time for the bill to take effect, or resignation. I let him know that I could not vote for the postponement, and thought he ought not to resign, but do as his friends did who thought as poorly of the bill as he did, but who would vote for it as a means of putting an end to the act of 1842. From this time, which was near a fortnight ago, until within two hours before his resignation, our communications on the subject were frequent, and indeed almost daily. I have made this general statement, Mr. President, for the purpose of showing that I know the

[Jan. Sess.]

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motives and feelings—that I have the best opportunity of knowing the motives and the feelings—under which the Senator from North Carolina resolved on his resignation, and have a right to bear testimony to the purity, the patriotism, and the elevation of sentiment under which that Senator acted. He resigned to avoid a vote against the bill. He resigned with a full conviction that his resignation would not affect the fate of the bill—that it would pass either with, or without his presence; and that his withdrawal would, in fact, facilitate its passage. These I know to have been the motives and feelings under which he acted; and I discharge a duty sacred to personal and political friendship—sacred to private and public worth—in taking this opportunity, on this elevated floor, to bear witness to the noble and exalted sense of honor and duty under which my honorable friend has ceased to be a member of this body. This is what I have to say in relation to the motives and feelings of Mr. Haywood, and of his high and honorable purpose, in the act of resignation, which a conscientious sense of duty imposed upon him. Further than this the occasion, as it concerns him, would not require me to go. I have paid the debt of justice to him. But I look to ourselves—this Senate—which has to regret the loss of one of its most intelligent, courteous, and agreeable members—I look to the country, the whole Union, which has to witness the loss of a Senator who could expand his views to the wide expanse of the entire Union when its honor and its interest were at stake—and I turn to myself, and have to lament the loss of a personal friend, of hereditary friendship through generations, whose society is pleasant to me—the loss of a political friend, whose aid and counsel has often been serviceable to me—and upon whose future aid and counsel I had largely counted in assisting me to discharge my duty to my country in the arduous circumstances in which she is now placed.

Mr. MANUM said he was very much gratified that the Senator from Missouri had thought proper to advert to this matter. He was the more so, inasmuch as the organ of the Government in this city has assailed Mr. Haywood's public and private character with such a degree of ferocity, and in his judgment so unjustly, that he thought every liberal Senator would stand forward, and sustain and commend what every one must acknowledge to be the perfect purity and disinterestedness of his course in regard to the subject which was the occasion of his resignation. No man in the State of North Carolina perhaps differed more widely than himself from the late Senator in political sentiment; that difference had long existed, and was likely to continue; but political considerations could never be permitted to interfere, so far as he was concerned, with feelings of personal respect for a gentleman whose honor and probity were uncontaminated and entirely above suspicion, though assailed in the unworthy manner which

they had witnessed in the Government paper in this city. Without adverting to the wisdom or judiciousness of the course adopted by his late colleague, he was satisfied that he had acted upon the best consideration, and upon his honest conception of what was due to himself and to the country as a patriotic citizen; and he felt that it was due to him that this expression should be made public, in contravention of the insidious slanders which were propagated by the Government paper; and that the State of which he was so able a representative should not be deceived by any false representations.

Mr. M. further felt that it was due to the good old North State, that her public servants here should be vindicated against aspersions touching purity and fidelity in office—aspersions unknown in that State from the period of her colonial history as affecting either the judicial ermine or legislative integrity. Errors both she and her servants may have fallen into, but the tongue of slander had never hitherto alleged personal corruption within his knowledge, of any of her public servants, whether in legislative or judicial capacity. Her character had been uniformly marked with dignified moderation, as pure as it was unpretending; and he (Mr. M.) hoped when he should close his eyes upon earth, that he might leave with the belief that her character was unspotted and unstained by those upon whom she had devolved high responsibility, and that, for many and long years thereafter, she might preserve that perfect purity, far more precious than any false glare unaccompanied by virtue.

Mr. Haywood acted in regard to the subject under review, with the most perfect delicacy. He believed there was not a Whig in that body (if there was an exception, he hoped such of his friends as might chance to constitute that exception would indicate it now) who had any knowledge of Mr. Haywood's purpose to resign, unless by inference, (for he seemed recently to be uneasy and unhappy;) and he knew also that, if Mr. Haywood had found that his vote could have been made effectual for his country's interest, he never would have abandoned his seat, but would have taken the responsibility of defeating the measure; but finding that his vote was not likely to be effective, and that the result would be the same, rather than throw himself into conflict with his friends, he resigned his seat. In making up his mind to retire from the Senate, Mr. Haywood, he believed, had rested his determination, not on any influence which it might produce on himself politically, but upon his conscientious convictions of right. He had determined, as a gentleman and a Christian, after having laid before his friends on his own side of the chamber, his convictions, and he believed he had had no consultation with a single Whig friend upon the subject.

Sir, (continued Mr. M.,) I do most cheerfully and cordially concur in the sentiments expressed by the honorable Senator from Missouri, that Mr. Haywood, in forming his purpose, was un-

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der the influence of none other than considerations high, elevated, pure, and honorable. He (Mr. Haywood) might despise a rabid press—to abuse is its vocation. He might despise the servitors of power, and their vile, mercenary, and sycophantic followers—the jackals that would despoil the sanctuary of the grave, and exhume reputation to be offered in sacrifice, in burnt sacrifices, to the passions of their masters and corrupters—and repose upon the esteem of good, and just, and liberal men.

Mr. M. felt sure that Mr. Haywood, at no period of his life, enjoyed more of the respect and consideration of liberal men of all parties in his native State, than he has for the last several months, and does at the present moment. North Carolina will feel justly proud that she is the venerable mother of three Democratic Senators, who have recently rendered signal and distinguished service to the country upon another great question—Oregon; and, co-operating with the Whigs, saved the country from all the destructive horrors of a British war. [Mr. M. referred to his late colleague and the distinguished Senators from Missouri and Mississippi.] With the profoundest political difference upon the most of questions, he (Mr. M.) yet felt that his State had lost an able, vigilant, and faithful public servant, and he a colleague entitled to his respect and kindly consideration—at all events to this naked act of justice to his integrity, purity, and perfect conscientiousness in this last act, his resignation.

Mr. DIX said:

Mr. President: I rise to express my concurrence in what the Senator from Missouri (Mr. BENTON) has said of the opinions expressed by Mr. Haywood in respect to the tariff bill before the Senate. About two weeks ago, Mr. Haywood, in an interview with the Senator from Missouri and myself, and in other conversations with me, said that he could not vote for the bill, and that he might find himself in the embarrassing position of being compelled to resign his seat, or separate from the majority of his political friends by voting against it. I differed in opinion with him in respect to the propriety of his resignation. As his friend, I said what it was proper for me to say to dissuade him from it. He acted on his own judgment and his own responsibility in the performance of what he deemed a duty to himself and the public; and it affords me pleasure to bear my testimony to the purity of the motives by which he was actuated. In all my intercourse with Mr. Haywood, on this occasion as on all others, I have been strongly impressed with the elevation of his character, and the strict honor by which he is governed, both in his private and his public conduct.

Mr. BERRIEN said it was not his purpose to express an opinion as to the wisdom of the course which the late Senator from North Carolina had thought proper to adopt in retiring from that body; that was a matter for his own judgment and discretion. He stood in no

relation to that gentleman which authorized him to be consulted upon the subject, or which authorized him to offer advice. But, looking at the course of that gentleman while a member of that body, during the period in which they had served together, and looking at the singular spectacle which was presented to the American people, of a ruthless assault made upon a Senator of the United States for fulfilling, according to the conviction of his own judgment, the duties which his situation imposed, he felt it to be his duty (and he took great pleasure in fulfilling that duty) to express his own belief that, whatever might have been the correctness or incorrectness of the judgment of the Senator in determining upon the course which he had pursued, he had been actuated by a sincere conviction as to what his duty as an honest man and a patriot required of him.

Mr. BAGBY rose and said:

Mr. President: I was not aware of what was passing here before I entered the chamber, nor do I now understand precisely how the resignation of a late Senator, the Hon. William H. Haywood, from North Carolina, becomes the subject of remark in this body, of which he is, by his own voluntary act, no longer a member. But if the object is to bear testimony to the dignity and courtesy of his deportment, and the purity and elevation of his character, public and private, I cheerfully add the tribute of my approbation to all that has been or can be said. I have made it a rule through life, to endeavor to do justice to all men in public and private life. From this rule I cannot depart in the case of the late Senator from North Carolina. It is due to him, then, to say, that in repeated conversations within the last two weeks, he has informed me that he was determined, unchangeably, not to vote for the bill now under consideration, to regulate the duty on imports, unless it was amended so as to postpone its operation until after the 4th of March next. He also stated his determination to resign sooner than vote for the bill. In forming this determination, I saw the conflict through which he passed in separating himself from a great party to which I have no doubt of the depth and sincerity of his attachment, and to which he was an ornament, and discharging his duty upon a great measure according to the dictates of his own conscience. In that conflict his conscience triumphed. It is proper to state that I differed totally from Mr. Haywood as to the propriety of the course he was about to pursue, and so informed him. But he acted upon his own responsibility to his God and his country. It is not my province, nor is it my purpose, to vindicate Mr. Haywood from the imputations and aspersions that have been cast upon his motives for voluntarily retiring from one of the most honorable positions in the world. His elevated patriotism, his pure and spotless character, are a sufficient shield and protection against all such assaults. In pursuing a course which, in his judgment, was



pointed out by a solemn sense of duty, I have no doubt that Mr. Haywood was governed by motives worthy of a patriot, worthy of a man entertaining a high and scrupulous sense of honor, worthy of a Christian.

Mr. CERRITENDEN said he had never seen Mr. Haywood, nor had any acquaintance with him, until they became associated in that body; and for a time, owing to trifling and slight circumstances, he had rather conceived an aversion towards him. Since then, however, although their intercourse had been slight, the conduct of that gentleman had dissipated every prejudice which he had entertained against him. He had given abundant evidence that the ends he aimed at were those of patriotism, honesty, and integrity. In the discharge of his duties in the committee over which he presided, he was scrupulous and correct; so much so, that, unconsciously and insensibly, he (Mr. C.) began to find himself (in common, he believed, with the other members of the committee,) placing the most perfect reliance upon any proposition emanating from him, in full confidence that the subject had been impartially considered. As to any impeachment of integrity on account of his resignation, nothing, it seemed to him, could be more preposterous. He had given the very highest evidences of integrity and purity; no man could entertain a doubt as to his integrity. And, in common with gentlemen who had expressed their sentiments in regard to this matter, he united in the regret that an act, in itself so high, so self-sacrificing—that gentlemen who approved the act would not, perhaps, have done the same; an act which showed a high degree of sensibility; an act by which he had sacrificed one of the proudest offices under our form of Government,—should be thus misrepresented; that he should be charged with desertion, and loaded with opprobrium. It was a gross outrage, committed against a man of unblemished and unimpeachable integrity.

The subject was here dropped.

#### *The Tariff Bill.*

Mr. LEWIS, from the Committee on Finance, to whom was committed the bill to modify the tariff, with instructions "to remove the new duties imposed by said bill in all cases where any foreign raw material is taxed to the prejudice of any mechanic or manufacturer, so that no other or higher duty shall be collected on any such raw material than is provided by the act of August 30, 1842; and further, so to regulate all the duties imposed by this bill as to raise a revenue sufficient for the exigencies of the country," reported back the bill, and asked to be discharged from the further consideration of the above instructions.

Mr. EVANS then said: In the report made by the chairman of the Committee of Finance I did not concur. I believe I am authorized to say that my honorable friend from Maryland (Mr. JOHNSON) did not concur in the report. And as in the committee I did not hear any

reason for taking this course, I should be glad to hear it in the Senate. I should be very glad to know why it is that, after the Senate yesterday, by a majority of votes, and after full consideration and discussion, ordered this bill to the committee for a certain purpose, that committee have not complied with the order? Why they have not made the attempt to do so? Did they make any sort of effort to do so? Have they even unrolled the papers, to see whether it was in their ability to comply with the instructions of the Senate? Unless I hear some stronger reason than that stated here this morning, I shall vote against discharging the committee; and I hope the committee will be required to perform the duty assigned to them.

Mr. LEWIS said: The instructions given to the committee were so indefinite, that it was impossible to comply with them. Even if we had had the time necessary for their consideration, it would have been impossible for us to determine with any degree of certainty as to what, for instance, is the "raw materials" spoken of in the instructions.

Mr. ABOHEER. Did you try?

Mr. LEWIS proceeded. Perhaps nothing would be more difficult to ascertain, than whether such and such articles constitute raw materials. Iron, hemp, and wool, are regarded as raw material. If we reduce the duties on these articles, we set aside the whole form of the bill.

A SENATOR, [on the Whig side:] Well, suppose you did?

Mr. LEWIS. I think under these circumstances the committee are quite justified in making, as they do, a respectful report, asking to be discharged from the consideration of the subject under the resolution of the Senator from Delaware. That gentleman himself avowed that he introduced the resolution for the purpose of defeating the bill. Now, if the bill is to be defeated, we call upon the Senate to take the responsibility, and not to make the committee, *ex officio*, bear it.

Mr. R. JOHNSON. The reason just offered by the chairman of the Committee of Finance does not appear to me at all satisfactory. Not speaking for the majority of the members of the committee, but for himself, the honorable gentleman asks to be discharged, because compliance with the instructions would, he fears, defeat the bill; because they were intended, and are calculated, to defeat the bill; because the whole form of the bill will be changed. Now I should like to know—and I ask it with perfect respect to the honorable gentleman—what right have the committee to refuse to carry into effect the instructions of the Senate? What right have they to decline acting upon those instructions, which the Senate thought proper to give, because, in the opinion of the committee, carrying out those instructions is calculated to defeat the bill, by changing its whole character? That is a case already decided.

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Mr. SPENCER said: It is sufficient for my purpose to remark, that the majority of the committee have ordered this bill to be reported back, and to ask that they be discharged from the further consideration of the instructions. I shall give my reasons, and leave others to offer theirs. We have, I believe, about eight days—eight legislative days—left of this session, after to-day. The latter part of these instructions strikes at the very root of this bill, and proposes to remodel the system, and, in fact, to bring in a new tariff of duties. Now, sir, would the honorable Senator from Maryland, who seems to take such a deep interest in carrying out these instructions, or would the mover of the resolution, be good enough to tell me what is meant by "the exigencies of the country," alluded to in the last clause of these instructions? Are the ordinary expenses of the Government meant—such expenses as are usually incurred in carrying on the Government? Or is it intended by that phrase to cover the whole expenses of the war during the current year? In neither event, I undertake to say, would either of these distinguished Senators, great adepts as they may be in figures and calculations, be able, with the aid of the best accountant in the city of Washington, to make these calculations in a week. They cannot take up this tariff, ascertain the amount of money wanted, the quantity of imports to be expected, the proper duty on each article, and put all in proper form, and present it here in a week. And yet we are required to do all this, when but eight days remain of the session. The majority in both Houses has fixed on the tenth day of August as the period of adjournment; and I wish it to be borne in mind that that arrangement was made contrary to my vote. The very state of things now exists which I predicted when this day of adjournment was fixed—that we should find the time run out, and not time left to finish this important subject; and now, sir, at the request of those chiefly who urged upon us that day of adjournment, we are to go to work and remodel the tariff, and the whole to be done in eight days! I put it to every gentleman acquainted with this business, if he believes that, in the short time allotted for the transaction of the remaining business of the session, it be possible to carry into effect these instructions, and, at the same time, make the bill a law? We have reported this bill back, and the instructions with it, and respectfully ask—because we have not time to take up these instructions—to be discharged. If we cannot be discharged, we must go to work for the balance of the session, and perhaps, when the day of adjournment arrives, we shall be as near a report as we are now.

Mr. BENTON. I am one of the majority of the committee who directed this bill to be brought back to the Senate, and the motion to be made to discharge the committee from its further consideration. I did so, not from any

desire to avoid labor, or to show dissatisfaction at the order of the Senate, but truly and sincerely for the reason stated by the chairman of the committee. The instruction sent to the committee would require from them an anxious and laborious investigation, requiring much time and much research. I desire the Secretary of the Senate to read the instruction, that the Senate may see again, and more fully feel, the extent and responsibility of the labor it imposed upon them.

The Secretary read the instructions as follows:

"Commit the bill to the Committee on Finance, with instructions to remove the new duties imposed by said bill in all cases where any foreign raw material is taxed to the prejudice of any mechanic or manufacturer, so that no other or higher duty shall be collected on any such raw material than is provided by the act of August 30, 1842; and further, so to regulate all the duties proposed by this bill, as to raise a revenue sufficient for the exigencies of the country."

The Senate will now, and under the calm appeal which is made to it, see that an amount of labor would be imposed upon the committee by this instruction which there is no time to perform, and which it is in vain to undertake. The instruction divides itself into two distinct branches—first, to remove the duties from foreign raw material which is taxed to the prejudice of any mechanic or manufacturer; secondly, to regulate all the duties imposed by the bill so as to raise the revenue which the exigency of the country requires. Each branch of this instruction would require a large investigation. The first one requires a close examination into the raw materials brought from abroad, and their use by mechanics and manufacturers. In the first place, what is raw material? It is presumed to be that which the manufacturer or mechanic uses in carrying on his art or trade. Now apply this to leather. To the manufacturer, (the tanner,) the raw hide, with the hair upon it, is the raw material; to the mechanic who makes saddles, bridles, harness, boots, shoes, the dressed skin as it comes from the tanner, is the raw material. Then what shall the committee do?—untax both articles, and prejudice one or the other of the parties? The same of cloth: To the manufacturer, wool is the raw material; to the tailor, the finished cloth is the raw material. Which article shall be untaxed? But the instruction requires both to be released from tax, and at the same time prejudice one of the parties, which the instruction forbids. This is only a sample. The difficulty of ascertaining what is raw material, will require long examinations from practical mechanics and manufacturers. It would be impossible for the committee to act upon their own lights with any safety or knowledge of the subject. The nine remaining legislative days of the session would not be sufficient to execute this branch of the subject, except as a blind man would cut and

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carve, or as a man would perform an anatomical operation; who did not know the difference between a muscle and a nerve, or between a vein and an artery.

The next branch of the instruction is still more intricate, comprehensive, and responsible. After freeing raw materials from duty, the committee is to proceed to regulate all the duties so as to produce a sufficient revenue for the exigencies of the country. This involves large inquiries. First, as to the exigencies of the country. The committee will have to make up an opinion upon these exigencies. They will have to decide upon the length and breadth—the expense and cost—of the Mexican war, and of all other branches of the public service. The committee will become something like a committee of public safety, invested with the duties of the Executive officers of the Government, and authorized to know of the President how he means to conduct the war, and whether he is for making early peace, or carrying on long war. Well, when the committee should have decided all these questions, and made up their minds as to the amount which the exigencies of the country may require, then comes the labor of calculating the amount which each article of importation will produce, and the distribution of the whole sum among several hundred different items. This would be herculean work; but before it could be begun, a literal obedience of the instruction would render superfluous a bill already passed—that for loans and treasury notes!—for the instruction requires all the revenue wanted for all the exigencies of the country to be raised from the duties which the committee are to arrange among the articles imported. But, leaving this difficulty out, the two points of ascertaining the amount of revenue necessary, and their levying it upon the items in the bill, would be a work of weeks, or months, and could not possibly be performed with any judgment or discretion in the few days which remain of the session, and when the presence of the members of the committee is required in this chamber, in discharge of their ordinary legislative duties from morning till night.

I make this exhibition of the labors which the instruction would impose on the committee for two purposes: first, to justify the committee in asking to be discharged from the consideration of the instructions sent to them; and, next, in warning Senators of the consequences of refusing the discharge. This is the serious point of view under which the question of discharge must now be contemplated. Thus far the committee is not in contempt, or in a state of disobedience to the Senate; nor is it my intention, or that of any part of the committee—I speak for them from a knowledge of their characters, without having consulted them—to commit a contempt, or disobey the Senate. The motion we have made is parliamentary; it is respectful; it is a reference to the Senate to say whether, after hearing the declaration

of the committee, that they cannot execute the duty required of them, with any justice to the subject or themselves, in the short time that remains of the session—whether, under this declaration, the Senate will still require the committee to go on to execute the instruction? If the Senate does this—and this will be the effect of refusing to discharge us—then the case is altered with us. We can no longer refuse to obey the Senate. We must go to work, and that in good faith, to do the best we can. We cannot come back with what the workmen call a *botch*—that is to say, a spoiled piece of work. We must do our best, and that will require more time—far more time—than remains of this session. And this brings me to the great point: the vote now to be taken is a vote on the life or death of the bill! And in that point of view, I shall ask the yeas and nays on this question of discharge, that every Senator may show to his constituents, how he voted! and whether he went for the life or death of the bill! Every Senator will wish to show this to his constituents; and every constituency will wish to see what his representative did in this final vote. This vote upon the discharge is final! If the committee is not discharged, the bill is killed! no, not killed, but worse—buried alive, to die a slow but certain death in the committee room of the Finance Committee of the Senate! Let no Senator deceive himself. Let no one indulge in illusions. This question, in its form, seems to be collateral and interlocutory: but it is not so. In its substance and effect, it is the final and decisive vote; as much so as if it was a direct vote on the final passage of the bill! This is the fact, and I declare it from my place, as a Senator, and as a member of the committee, that no Senator may be under a mistake as to the effect of his vote, nor have the least doubt, if he votes against the discharge of the committee he votes for the death of the bill, and that not responsibly, by putting it to death on the floor of the Senate, but by sending it out to be buried alive, and to lie dead in the room of the Finance Committee.

Mr. HUNTINGTON then said: I think, Mr. President, the proposition made by the chairman of the Committee on Finance has placed this body in a condition in which it was never placed before. I doubt very much whether an instance is to be found in the legislation of this body, in which an order of the Senate to do a specific act, has been refused to be complied with by a committee of the body, without an attempt to do it.

Mr. LEWIS. The committee only ask to be discharged.

Mr. HUNTINGTON. The gentleman says the committee ask to be discharged. They have positively declined compliance with the instructions. They have reported back the bill, without an amendment, and without performing the duty imposed upon them by this body. The reason assigned for that course I shall con-

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sider presently. I repeat, I very much doubt whether another instance can be found in the annals of legislation, in this or any other body, which can compare with this case. Why, what did the Senate do yesterday? After grave deliberation and full discussion, they decided that this bill should be amended. Did they not? Did they not inform the appropriate committee of this body that in such and such particulars the bill was to be amended? And was not the bill, by a vote of the Senate, sent to this committee with these specific instructions, and an order to comply with them? It was not a question of expediency. It was not left to the discretion of the committee. It was not a matter submitted to their judgment, to be adopted if they chose, and from the consideration of which they were to be discharged. Well, what have the committee done? Instead of complying with this order—instead of making the amendments which the Senate directed to be made, they report the bill back to you, and ask to be discharged, declining the performance of their duty. Am I not right, then, in characterizing this as a most extraordinary, as an unprecedented procedure on the part of the committee?

Mr. JARNAGIN addressed the Senate, and said: From the position which I occupy, I deem it my duty to put an end to this whole affair. I am satisfied now that no amendment can be, or will be, made to this bill; and therefore it would be useless to insist upon the committee keeping the bill before them, when they inform us that if an amendment is to be made, it will have the effect of preventing action on the bill. I would not discharge the duties imposed upon me by my instructions, and which I avowed my intention of obeying and carrying out, if I were to assent to such a course. I thought at one time, when this bill came from the House of Representatives, that my duty, as prescribed in my instructions, was to vote for the bill as it came from the House, not because I thought it a good bill, not because I approved of it, but because we were to be put on a great experiment, and I was willing that they should take the bill as prepared by themselves, and abide the consequences. Such was my feeling when it came from the House, and such was my determination. But when I saw the exigencies of the country, when I saw that we were issuing treasury notes, and when, to my entire satisfaction, it was demonstrated that this bill would reduce the revenue that was obtained under the act of 1842, that, when amendments were proposed, which, in my judgment, appeared to be calculated to better the bill, why, sir, my purpose was changed, and I felt it my duty to vote for them. But now the aspect of the case is again changed. The opposite party refuse to make the amendments, and I am called on to discharge the committee. What am I to do? I cannot get the amendments which are so desirable. I asked that they should be made. I voted for

committing the bill for that purpose. The majority of the committee advocate the bill, and they tell us that the amendments cannot be made. The question then is, "Is this bill to pass?" or "Is it to be defeated by my vote?" I frankly admit, that, with a full desire to do my duty, I was disposed to agree with my political associates, and vote for the postponement of action on the bill. I determined on that. But I have had time to consider; and the result of that more mature consideration has been a different conclusion. Why postpone the bill, if it is destined to pass? Unless it is anticipated that before the next meeting of Congress such a change of opinion of the people of the United States will take place as to give a majority against the bill, why postpone action? Is it at all likely that such a change will take place? And even suppose it did take place, when does this bill go into operation? On the first of December next, and Congress meets on the first Monday of December next. If such a change takes place in the interval, will it not then be just as easy to repeal this law as to prevent its passage? What, then, is to be gained by postponement? Nothing, but to lead the country into a state of security, which may, and likely would, prove to be altogether deceptive—to lead them to look for a result altogether illusory. Better let the bill go before the people, then. Whatever denunciations may be poured out against me, I shall not complain. I know that my friends are right. I believe that the result of the experiment about to be tried will be to make their principles most triumphant, and bring back the whole American people to the system we now abandon. I shall rejoice as much as any of my political associates in that happy and auspicious result. I hope it may come. But, to conclude, I have only to say that I shall vote for discharging the committee, and then, though forsaken by all my friends, leave the result to God and my country.

Mr. WEBSTER then addressed the Senate. He said the question now before the Senate is in one respect a test question, as it has been described by the honorable member from Missouri, (Mr. BREWSTER;) not exactly in the light in which he viewed it, or in the sense in which he wished to be understood, but in quite a different sense—in another aspect altogether. We are here, sir, calling ourselves every day a Democratic Congress, and the majority of the body is said to be about to pass a great Democratic measure. I suppose if any meaning is attached to these terms, it is that it is a measure favorable to the masses—favorable to the people—preferring the interests of the masses to the interests of a few—preferring the interests of the great body of the people to those who may be called the possessors of a high measure of wealth. Well, sir, what sort of a bill does the question now about to be taken show that this "great Democratic measure" is? or what sort of a measure is this popular Democratic bill!

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It purports to be an "act reducing the duty on imports, and for other purposes." The title could not describe the bill at all if they did not indicate that there were other purposes besides the mere reduction of duties; and one of those other purposes is to enhance duties. The true interpretation of the bill, therefore, is, that it is an act for reducing certain duties and enhancing certain other duties on articles of importation. Now, sir, let us see whether this is such a bill as is pretended—a bill in favor of the masses—in favor of the people! Just look at the question now submitted to the Senate! This bill does reduce duties—on what? On what? Why, there may be some articles on which the duties are reduced for the benefit of the middling classes; but the great reduction of duties is on such articles as those of which I read to you yesterday a list from the letter of Mr. Nicholl. You reduce the duty on spirits of all kinds to the great extent which I mentioned yesterday. You reduce the duty on spices to the great extent which I mentioned yesterday. You reduce the duty on imported tropical fruits and other fruits. You reduce the duty on ready-made clothing. You reduce the duty on rich and expensive carpets. You reduce the duty on rich cut glass—every one of them. And you saw that this reduction keeps out of the treasury more than the whole of the duty laid upon certain other articles. But these are your reductions—your main reductions. They are all on articles of luxury—of extreme luxury—spirits, spices, silks, costly carpets, rich cut glass, ready-made clothing—articles, in which none of the middling classes are interested, or are in the habit of buying or using. And now it is proposed to see whether you will or will not, by the instructions to your committee, continue the practice of freeing the raw material, upon which all the manufacturing and laboring people of the country earn a living, when they get it. That question is now distinctly put to you, and put to this Senate. On the raw material, which is to come here and furnish employment and occupation to the handicraft throughout the country—on this you have raised the duty. Perhaps on all these raw materials, but certainly on masses of them, as I showed yesterday, you have raised the duty above the standard of that tariff, which you say is an obnoxious Whig measure, and for the reduction of whose duties you stand pledged. Now you are asked to send them to your committee, with instructions in every case where the duty on the raw material, as proposed by this bill, exceeds the duty on the same raw material imposed by the Whig tariff of 1842, to take it off—you won't do it—you won't do it! No. You indulge in the luxury of taxing the poor man and the laborer! That is the whole tendency, the whole character, the whole effect of the bill. You see everywhere in it the desire to revel in the delights of taking away men's employment. That's the character of this bill. And this is the

question now before the Senate. Sir, I had hoped that the honorable gentleman who spoke yesterday with so much effect on the necessity of protecting the mechanics and laborers—who dwelt with so much emphasis on the very objectionable feature of taxing the raw material—I had hoped that he would have held to his purpose. I say that this bill holds a language that cannot be mistaken, that cannot and will not be misunderstood. It is not a bill for the people. It is not a bill for the masses. It is not a bill to add to the comforts of those in middle life, or the poor. It is not a bill for employment. It is a bill for the relief of the highest and most luxurious classes of the country, and a bill imposing onerous duties on the great industrious masses, and taking away the means of living from labor, everywhere throughout the land. It cannot be disguised. You cannot mask its features. No man is so blind as not to see what this bill is; and the people will not be so callous, I trust, as not to feel it. In this sense, and in this view, the question now about to be put is a test question. We shall have the voice of the Senate upon it. We shall know who is for raising the duty on various articles to the prejudice, and in many cases to the ruin of our own countrymen working here at home as artisans and handicraftsmen, and who is at the same time for reducing the duties on the highest luxuries. That's the test. Mr. President, that's the test! And no man can escape it. No man will escape that test. Now, I shall vote to keep this proposition in the hands of the committee. The committee has not tried whether it can obey the instructions of the Senate. Last night they were instructed to do their duty, and at a very early hour this morning they say they have made up their mind. Was ever the like heard before? The chairman asks to be discharged. I don't believe they were convened on this matter for ten minutes. I doubt whether they have been together at all! What is the difficulty of ascertaining the amount of duty on the general list of raw materials, and reducing the rates of this bill to those of the act of 1842? There is not a gentleman who could not do it in two hours.

Mr. McDUFFIE then said: The strong language of the Senator from Massachusetts, in characterizing this bill as an aristocratic measure, imposes upon me the duty of saying a very few words before the question is taken, in order to disabuse the public mind of any such impression, if any such impression be made upon it. The honorable Senator has asked with great confidence, and certainly not in the expectation of being replied to, where is the Democratic feature of this bill? Where is the provision intended to operate in favor of the laboring classes of the country? On the contrary, he goes on to enumerate certain articles of luxuries upon which the duties have been reduced, and leaving it to be inferred that these are the great and principal reductions. Now,

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Mr. President, I will point out to the Senator the Democratic features of this bill. It has reduced the duty upon salt from eight cents to half a cent. It has reduced the duty upon sugar from two and a half cents to one cent per pound. It has reduced the duty on all that class of cotton manufactures, whether white or printed, which is consumed by the laborers, farmers, and mechanics of the United States, God knows how much! But I sincerely believe that in this bill, on all that class of manufactures consumed by the poor and middle ranks, there is a reduction of duties, greater than on any other class of articles contained in the bill; and I have expressed the opinion, which I sincerely believe, that the repeal of the cotton minimums—an invention which never was known until it was introduced in the bill of 1816, and I believe unknown to the custom-house laws of any other country, so far as my knowledge extends—I believe that the striking out of that will alone enable the people of the United States to consume an increased importation, approaching to ten millions of dollars, at prices little more than two-thirds of that which they have now to pay.

Well, Mr. President, what are the great reductions so injurious to the labor of the country? They are the reductions upon manufactures, made in large manufacturing establishments, carried on by machinery, and owned by capitalists, now realizing from 20 to 40 per cent. on their capital. These are the reductions, sir; and I repeat it before the Senate, before the United States, and before the world, that the great effect of this reduction will be to reduce the enormous and unjust profits of large capitalists from 20 to 40 per cent. down to the ordinary rate—the moderate profit of 8 and 10 per cent.; and I do not conscientiously believe that the money price of labor will be reduced half as much as the money price of the commodities consumed by the laborer. My sincere conviction is, that the operation of this bill will not only be favorable to the great masses of the manufacturing laborers who constitute nineteen-twentieths of the people of the United States, but that the laborers in those large factories will actually receive more for their labor than they do at this moment, taking into the account the price of those articles which they necessarily consume. I was obliged to the Senator from Massachusetts for some little evidence in favor of the Democratic character of this bill, in certain resolutions passed in Boston, in the year 1820, drawn up, I believe, by the honorable member himself, and supported and sustained by him soon after the commencement of the spirit which has resulted in the establishment of the protective system. The duties then, under the act of 1816, were about 20 per cent. or 25 per cent. on the great mass of manufactures made out of cotton, wool, and iron, and all the other duties were corresponding. The proposition was then to enhance the duties in about the degree of en-

hancement which took place under the tariff of 1824; and it was in opposition to this that a meeting of the merchants of Boston, in which the honorable Senator from Massachusetts bore a distinguished part, passed certain resolutions, some of which I now recollect. One of them I distinctly remember, and it affirmed that the effect of this protecting law upon the manufactures of the country would redound to the benefit of great capitalists, and not to that of the labor of the country. That was a great political proposition.

Mr. WEBSTER. Does the Senator happen to have those resolutions in his desk? I have no recollection of that.

Mr. McDUFFIE. I am sorry to say that I have not got a copy of the resolutions, but I believe a copy can be obtained.

Mr. WEBSTER here laid on the desk of the Senator from South Carolina a file of the "Globe," which was supposed to contain the resolutions referred to.

Mr. WEBSTER. I do not wish to trouble the gentleman now; at his convenience, perhaps, he may be able to furnish the resolutions.

Mr. McDUFFIE proceeded. This, sir, was one of the resolutions. Another was in answer to the allegation that the establishment of these factories would give an increased market to the farmer. One of these resolutions was in these words, as far as I can recollect:

"They cannot perceive how the farming interest can be benefited by a law which increases the price of every thing that they have to buy, and diminishes the price of every thing they have to sell."

Now, sir, I quote this resolution simply with the view, and for no other purpose, than to answer a very confident interrogatory of the Senator—where is the Democratic feature of this measure?

But, Mr. President, I did not intend to make a speech, and I will not do so. As, however, the Boston resolutions, to which I referred, have been handed to me since I alluded to them, I will ask the Clerk to read them. [The Clerk read the resolutions.]

I want to say one word (Mr. McD. added) on this subject of the revenue. I had very strong views on that subject, but my desire to see the vote taken led me to refrain from presenting them to the Senate, and so prolonging the discussion. I will take the article of wool, and present a view which seems to be entirely overlooked. He then went on to show, that of woollens and cottons the increase of importation would be very great under the new law, and the revenue be correspondingly augmented. The amount of increase from the destruction of the minimums it was impossible to calculate.

Mr. WEBSTER rose and said: The resolution read cannot be the one referred to by the Senator. I remember that meeting in Faneuil Hall. I dare say that may be the regular account of the proceedings. If it be, it

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cannot be the full account, because there was another resolution passed at the same time, to which my attention has been frequently since called in the Senate, and which has not been read in that series of resolutions. However, I attended a meeting. Whether I drew the resolutions, or assented to them, I do not know. Whether I made a speech on the occasion I cannot tell. But I yield it all to the honorable member. Consider me as having drawn every word of these resolutions, and as having urged their adoption upon the people assembled. Suppose that to be, anyway. The first thing I have got to say now is, that the honorable member from South Carolina will admit that such is the infirmity of our nature, that an honest man may change his opinion, and he may change it in two or three, as well as in twenty years. I think the most powerful argument ever addressed to the people of the United States against the annexation of Texas was from the Governor of South Carolina; and I think the greatest speech in favor of it was made by the Senator from South Carolina—*idem personem*!

Mr. McDUFFIE. Texas was then an independent State, and so recognized.

Mr. WEBSTER. Yes, and I quote it for the purpose of showing that an honest man may change his opinion. Well, sir, I believe that the honorable member from South Carolina was, at the time I had the honor of being associated with him in the House of Representatives, a most powerful advocate of internal improvements, and raised his voice in favor of that principle.

Mr. McDUFFIE. Not in favor of the exercise-power.

Mr. WEBSTER. Was the power, then, to be barren?

Mr. McDUFFIE. Only to make surveys.

Mr. WEBSTER. Why, that was the first step. He that can make a survey for improvements, can make improvements. I believe the honorable gentleman, also, at one time entertained a very favorable opinion of the Bank of the United States, and, at another time, quite the contrary. Well, then, I stand before the Senate as a man who has found occasion to change his opinions.

Mr. McDUFFIE. I made no unkind imputation.

Mr. WEBSTER. Certainly not. A word, sir, about these resolutions of 1821. I remember the state of things very well. The commercial people of New England in 1821 were in a considerable state of alarm. They had commerce all over the world. They thought that a policy had been begun at Washington which would interfere with their commerce, and it was of that that they were afraid. How was this great evil, of which they had become afraid, fastened upon them? By the minimums put upon them by South Carolina to cut off the New England India trade—that's all. The minimum principle, so odious now, was moved in Congress by

a most respectable and distinguished member from South Carolina, not now living. It was carried by South Carolina against every vote of Massachusetts. I do not think there was a vote of Massachusetts, not one, in favor of the measure. Well, then, it is not because the minimum principle is bad in itself. Why, sir, minimum is now spoken of here as if it were a Pawnee Indian, or one of the Camanches, that eats up and destroys everybody and every thing.

Mr. McDUFFIE. So it does!

Mr. WEBSTER. Well, bad as it is, it was introduced by South Carolina against every vote of Massachusetts. We all now see that the Senator from South Carolina is against it. Well, then, in 1820, or thereabouts, an eminent member of Congress from Pennsylvania introduced a high protective tariff, bearing, among certain other things, especially upon iron. I refer to Mr. Baldwin, afterwards judge of the Supreme Court. That tariff went to protect every thing out of New England. Well, here was New England between the upper and nether mill-stone—between the South Carolina tariff, with its minimums on cottons, which cut off the India trade, and the Pennsylvania tariff. I wish the gentleman had dwelt a little more, in his address to the Chair, on the effect of this bill upon the iron and coal of Pennsylvania. But now, sir, I agree that whether it be owing to change of opinion, wrought by circumstances, by a change in the condition of things in the country, or otherwise, I am of opinion, that in the present state of things which has existed since 1824, there is no going back from that principle of protection which was established in 1824. The law of 1824 did not pass with the consent of Massachusetts. It received but one vote, I think, in the entire delegation from Massachusetts in both Houses of Congress. As I said the other day, New England had been addicted to commerce. But she supposed the time had come when she must conform herself to the law of the country, and invest her capital—for her labor was her capital—and direct her industry to such pursuits as the country had promised to protect and uphold. Now, sir, if there be any thing inconsistent in that, I admit the inconsistency—take it in the broadest sense, and I agree to every word of the resolution of Faneuil Hall of 1821. In the present state of things, there is an essential importance—an absolute moral necessity for maintaining those habits, pursuits, business, and employments into which men entered twenty-two years ago, upon the faith of the declared sentiments and policy of a majority of both Houses of Congress.

The question was then taken upon the motion to discharge the committee from the further consideration of the bill, with the following result:

YEAS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Calhoun, Cass,

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Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Houston, Jarnagin, Lewis, McDuffie, Pennybacker, Rusk, Semple, Sevier, Speight, Turney, Westcott, and Yulee—28.

**YAYS.**—Messrs. Archer, Barrow, Berrien, Cameron, Gilley, John M. Clayton, Thos. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Huntington, Johnson of Maryland, Johnson of Louisiana, Mangum, Miller, Morehead, Niles, Pierce, Phelps, Simmons, Sturgeon, Upham, Webster, and Woodbridge—27.

So the motion was adopted, and the committee discharged.

The bill, therefore, being again before the Senate as in Committee of the Whole—

The question recurring upon the motion by Mr. JOHNSON, of Maryland, to commit the bill with instructions, the yeas and nays were demanded, and ordered; and, being taken, resulted as follows:

**YEAS.**—Messrs. Archer, Barrow, Berrien, Cameron, Gilley, John M. Clayton, Thomas Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Huntington, Johnson of Louisiana, Johnson of Maryland, Mangum, Miller, Morehead, Niles, Pierce, Phelps, Simmons, Sturgeon, Upham, Webster, and Woodbridge—27.

**NAYS.**—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Benton, Breese, Bright, Calhoun, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Houston, Lewis, McDuffie, Pennybacker, Rusk, Semple, Sevier, Speight, Turney, Westcott, and Yulee—27.

So there was a tie.

The PRESIDENT said that he was taken by surprise in consequence of the course pursued by the Senator from Tennessee, (Mr. JARNAGIN,) who did not vote, but as he was called upon to give the casting vote, he would vote in the negative.

So the motion was rejected.

No further amendments being submitted to the bill, it was reported to the Senate, with the amendment which had been adopted.

The yeas and nays were then called upon ordering the bill to a third reading, and resulted as follows, viz.:

**YEAS.**—Messrs. Allen, Ashley, Atchison, Ather-ton, Bagby, Benton, Breese, Bright, Calhoun, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Houston, Lewis, McDuffie, Pennybacker, Rusk, Semple, Sevier, Speight, Turney, Westcott, and Yulee—27.

**NAYS.**—Messrs. Archer, Barrow, Berrien, Cameron, Gilley, Thomas Clayton, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Huntington, Johnson of Louisiana, Johnson of Maryland, Mangum, Miller, Morehead, Niles, Pierce, Phelps, Simmons, Sturgeon, Upham, Webster, and Woodbridge—27.

So there was a tie vote.

The PRESIDENT rose and said:

The Senate being equally divided on this important question, I may be indulged in briefly stating the principal reasons for the vote I am required by the constitution to give.

Excluded from any participation in forming or modifying the bill, I am bound to sanction or condemn it exactly in the shape in which it stands. The responsibility is deeply felt. It belongs, however, to the office assigned to me by my fellow-citizens, and will be assumed with frankness, and, I hope, not unbecoming firmness. The consequences of my decision, either way, may seriously affect the country. No one can entertain, as to that, a profounder solicitude. But, after summoning to my aid the best purposes and best lights that I can command, the consequences, be they what they may, must be hazarded.

The system for obtaining the revenue necessary to support their Government is established, directly or indirectly, by the people of the United States, within the limits, and agreeably to the prescribed forms of the constitution. Whatever is ascertained to be their will on the subject, all should undoubtedly acquiesce in. That there are known and approved modes by which their will is expressed, cannot be questioned; and the public officer who reads that will with candor and integrity, may feel assured that he conforms to the institutions of his country when he makes it the guide of his conduct. To my mind ample proof has been furnished that a majority of the people and of the States desire to change, to a great extent, in principle, if not fundamentally, the system heretofore pursued in assessing the duties on foreign imports. That majority has manifested itself in various ways, and is attested by its representatives in the other House of Congress, by whom this bill has been approved, and whose votes undeniably indicate the popular sense in the large proportion of eighteen out of the twenty-eight States. In this Senate an analysis of the vote before me discloses that while six States (Ohio, Virginia, New Hampshire, Georgia, Michigan, and Maine) are equally divided, eleven (Louisiana, Pennsylvania, Delaware, Kentucky, Massachusetts, New Jersey, Rhode Island, Connecticut, Maryland, North Carolina, and Vermont) are against, and eleven (Arkansas, Missouri, Alabama, Illinois, Indiana, South Carolina, Mississippi, New York, Texas, Tennessee, and Florida) are for the change. Peculiarly situated as I am in my relation to the national legislature, these impressive facts cannot be overlooked. In a case free from constitutional objection, I could not justifiably counteract, by a sort of official veto, the general will.

The struggle to exert without abatement the constitutional power of taxation, in such a manner as to protect, by high duties on imports, many of the productions of our own soil and labor from the competition of other countries, has endured for more than thirty years. During that period, a system of high taxation has prevailed, with fluctuations of success and failure. It is as vigorously and as exactly insisted upon now as ever; and, indeed, it would seem, in some instances, as if the longer



1st Sess.]

The Twelfth Bill.

[JULY, 1846.]

the advantage of a particular tax was enjoyed, the stronger became the desire for its continuance, and even its augmentation. And yet it ought to be remembered that this exercise of the taxing power, by which the great mass of consumers are made to swell the profits of a few branches of industry, was originally intended to be temporary, to be continued only so long as its continuance was necessary to the industrial independence and safety of the whole people. Such was the language, the inculcation, the spirit in which it was proposed and justified by its earliest and wisest friends. The design was to foster feeble "*infant*" manufactures, especially such as were essential to the defence of the country in time of war. In this design the people have persevered, until, with some, but not weighty exceptions, these saplings have taken deep root, have become vigorous, expanded, and powerful, and are prepared to share the common lot of human pursuits, and to enter with confidence the field of free, fair, and universal competition.

The arrival of this period of time, long promised, has been anxiously looked for by a large and justly-respected portion of our fellow-citizens, who deemed themselves peculiar and almost exclusive sufferers by the policy of protection. They have sometimes, perhaps imprudently, endeavored to anticipate it. Their numbers, at first entitled to influence only from their patriotism and intelligence, have gone on, gradually increasing as the system ripened to its fruit, and they now constitute what I am bound by registered facts to regard as a decided majority of the people and of the Union.

It is undoubtedly true that this change of financial arrangement, brought about by public opinion, "*which everywhere ought to guide and influence statesmen*," should, nevertheless, be characterized by moderation, nay, by scrupulous tenderness for those interests of our fellow-citizens that are to be affected by it. The legislation which encouraged their investments, their educational training, or their habits, should cease, finally and firmly, if required, but still soothingly and gently; and hence I may be pardoned for expressing a regret that certain provisions which, in their bearing, seem to me trenchant and sudden beyond the calls of the occasion, have been allowed to remain as parts of this bill. Were it in my power to except these provisions from the operation of my vote, I would do so; but viewed as a whole, as a measure to accommodate a vast and intricate subject to the prevailing sentiment of the American people, to reduce the burdens artificially imposed upon the laboring and productive masses, and to reconcile diminished restriction of trade with increased contributions from it, I cannot resist the impression that the bill is more equal, more tempered, and more just, than the act of 1842 which it supersedes. That it deals with some pursuits and resources of my native Commonwealth less kindly than

she might well expect, does not relieve me from my duty, but only makes its performance personally reluctant and painful.

In aid of these considerations, adequate, perhaps, in themselves to control my vote, there is another which, I am free to confess, nothing but an unforeseen, sheer, and pressing public necessity, could induce me to forego or forget. In strict concord with the letter and spirit of the constitution, the Vice President of the United States, now, called upon to act, is the direct agent and representative of the whole people. In advance, and dependent upon contingent results, it is perfectly competent to this, his national constituency, to give instructions, and to receive pledges for their execution. On this identical subject of a tariff of duties on imports, whatever may have been the course of local and casual inconsistency, my own honor can admit of no disclaimer of instructions that were formally announced, and my own good faith stands inviolable to a pledge voluntarily given. If by thus acting, it be my misfortune to offend any portion of those who honored me with their suffrages, I have only to say to them, and to my whole country, that I prefer the deepest obscurity of private life, with an unwounded conscience, to the glare of official eminence, spotted by a sense of moral delinquency.

The presiding officer having given the casting vote in the affirmative, the bill was ordered to a third reading.

Several voices: "Now for the third reading."

"No, no; wait until to-morrow," was heard from the Opposition side of the Chamber.

Mr. NILES here rose, and moved that the further consideration of the subject be postponed until the first Monday in December next.

Mr. COLQUHITT questioned the propriety of this motion. He thought that it was out of order; the bill had been ordered to a third reading, and there was therefore another question pending.

Here the calls for the third reading of the bill were renewed.

Mr. MANEUM and others. It is objected to, and therefore must lie over.

The point of order not having been disposed of,

Mr. SIMMONS contended that the motion by the Senator from Connecticut was in order. The question would be, first, upon the postponing the further consideration, and, if that was rejected, then any further action would be in order; but while a motion to postpone was pending, no other action would be in order.

The objection was here withdrawn.

Mr. NILES proceeded to say, that he should not consider that he had done his whole duty in opposition to this extraordinary measure, without making this, the last effort, to arrest its progress. Circumstances had thrown upon him a grave and highly responsible duty in regard to this measure, and he had never, for a

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The Tariff Bill.

[29TH CONG.]

moment, hesitated in meeting it, or faltered in its discharge, however painful it had been. He had fearlessly met this bill on its first appearance in the Senate, and had done all that he believed it his duty to do to defeat it, by attempting to show that it was such a bill as ought not to receive the sanction of this body. Having no longer any hopes of succeeding in this, it now only remained for him, as a last effort, to get it postponed. His object was to give his northern friends an opportunity to arrest or postpone this measure without a direct vote on its merits. He would, therefore, in the most friendly but solemn manner, make this last appeal; he would earnestly beseech them to pause, and delay the final action of this bill, so deeply interesting to their constituents as well as to his. He had said some days since, when addressing the Senate, that he could not appeal to any of his northern friends to vote against this bill, because the interests of their constituents were substantially the same as his; and if what was due to them and their interests could not prevail, he could not suppose any respect for the rights of his constituents, or any considerations of regard for himself personally, could influence their action. But now he did not appeal to them in regard to the merits of the bill; he asked only for delay. He asked that the final decision might be put off, and that the question might go before their constituents and his, that they may examine it, and decide upon its merits. If this is allowed, it will be thoroughly discussed in its principles and its details, and its probable influence be judged of on their interests, pursuits, and employments. He sincerely hoped that this reasonable request would be accorded to him. He asked it for their constituents as well as his own. He asked for the whole people of the North, most deeply interested in this question.

Mr. CLAYTON said he rose only to repeat his opposition to this bill, to enter his solemn protest against its passage, and to give notice that the word "Repeal" will this day go forth, and continue until the loud voice of the laborers of the North shall compel their oppressors to respect them. This (he said) was no Bank question, in which the rich capitalists only were concerned. Here will be found the laborers and the mechanics, roused to indignation against those who care not how much they rob them of their comforts in the pursuit of a wild abstraction. If the bill had been made by a British statesman, it could not have discriminated more in favor of the English workmen, nor have done more wrong to our mechanics and manufacturers. He repeated, that from henceforth repeal would be the word among the Democracy of the North, and that it would not cease until it triumphed.

Mr. J. M. CLAYTON addressed a few remarks to the Chair, the point of which was, that the President could, consistently with the remarks which he had submitted a few minutes pre-

viously, vote in favor of the pending motion. He [the President] had said that his duty as a representative of the whole country impelled him to act for the majority of the people, and he only desired to know what was the will of the people. He—

Mr. McDUFFIE called the Senator from Delaware to order. He could not address an argument to the presiding officer.

Mr. J. M. CLAYTON replied that he was speaking upon the motion to postpone. Upon that question the President had a vote, and he (Mr. C.) had a right to speak of considerations which might control that vote.

Mr. ALLEN. The chairman has no vote as far as we know at present.

Mr. J. M. CLAYTON. He may have, and, at all events, I may address him. Mr. C. then went on to argue, that, as the will of the people upon this subject could be ascertained in the elections which occur this fall in various States, and as the President desired only to know the will of the people, whose representative he was, he could very properly vote to postpone the further consideration of this subject until December next, by which time the information which he desired would have been obtained.

The question was then taken upon the motion to postpone, and decided in the negative by the following vote:

YEAS.—Messrs. Archer, Barrow, Berrien, Cameron, Cliley, John M. Clayton, Thomas Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Green, Huntington, Johnson of Louisiana, Johnson of Maryland, Mangum, Miller, Morehead, Niles, Pierce, Phelps, Simmons, Sturgeon, Upham, Webster, and Woodbridge—27.

NAYS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Calhoun, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Harnegan, Houston, Jarnagin, Lewis, McDuffie, Pennybacker, Rusk, Semple, Sevier, Speight, Turner, Westcott, and Yulee—28.

The bill was then read a third time by its title, no objection being made.

The question recurring upon the passage of the bill,

Mr. HUNTINGTON demanded the yeas and nays; and they were ordered.

Mr. WEBSTER rose, and said that he regretted that final action on this bill should not have been postponed according to the motion of the honorable Senator from Connecticut; and since he had mentioned that gentleman, he took this occasion of tendering to him his thanks for the firmness, the vigor, and the devotion, with which he had supported the interests of his constituents and of the country.

But (said Mr. W.) I rise chiefly to say that a great duty will devolve on both Houses at the commencement of the next session, just the same as if the motion of the honorable Senator had prevailed. Had his motion been adopted, this bill would have come up for discussion as soon as we should reassemble. And I tell gentle-

[2d Sess.]

*The Sub-Treasury Bill.*

[JULY, 1846.]

men on the other side, that the President's signature to this bill will not be dry till a determination will be entered into, far and wide, to bring it under the revision of this very Congress for reconsideration. It ought to be so, and it will be so. The bill goes into effect on the 1st of December next, and we meet here on the 5th; and I here tell you, that on the very first day of our session, a bill will be in the other House to repeal this law.

Mr. DAVIS said that he had hoped that the proposition brought forward by the Senator would have prevailed; and he took this occasion to say that this was not a mere question of revenue, it was not a question of ad valorem, but greater than either. Gentlemen rose here and argued as if taxes were assessed for the benefit of particular classes. He need not say how unjust and how unfair this was. Government assessed the amount of revenue because its exigencies demanded it. They assessed such an amount of duties as would accomplish this object, and nothing more. All the question between the two sides of this chamber was the question how this amount should be raised; and that was a question which the people would investigate.

Mr. HUNTINGTON said he would detain the Senate but a moment. [Cries of "Question! Question!"] He did not rise to delay action on this bill—he knew it was determined on, and must take place—but to unite with his honorable colleague (Mr. NILES), in entering here the solemn protest of the Commonwealth, they unitedly represented against this bill, its objects and its effects, in breaking down the prosperity of the people of their State. Mr. H. said he differed from his colleague on political questions, but in this they united in speaking the wishes of their people. And he here told gentlemen that those people would, in every constitutional and legal way, stand up in defence of their rights, and would apply the remedy for their wrongs.

Mr. SIMMONS said that this bill, which was about to plunge the country into a difficulty, take the daily bread from the orphan, and from millions whose employment would be swept away, was apparently forced upon the people by a single vote; yea, one vote would save all this distress—all this agony! Who, then, were the men that would come out on the side of their country?

The question upon the passage of the bill was then taken by yeas and nays, and decided in the affirmative, by the following vote:

YEAS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Calhoun, Cass, Chalmers, Colquitt, Dickinson, Dix, Fairfield, Hannegan, Houston, Jarnagin, Lewis, McDuffie, Pennybacker, Rusk, Semple, Sevier, Speight, Turney, Westcott, and Yulee—28.

NAYS.—Messrs. Archer, Barrow, Berrien, Cameron, Cilley, John M. Clayton, Thomas Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Huntington, Johnson of Louisiana, Johnson of

Maryland, Mangum, Miller, Morehead, Niles, Pierce, Phelps, Simmons, Sturgeon, Upham, Webster, and Woodbridge—27.

So the bill was passed.

The title of the bill was then read, and passed as follows, viz.:

A bill to reduce the duties on imports and for other purposes.

WEDNESDAY, July 29.

*The Sub-Treasury Bill.*

The Senate then, on motion of Mr. LEWIS, proceeded to the consideration of the bill for the better organization of the treasury, and for the collection, safe-keeping, transfer, and disbursement of the public money.

Mr. LEWIS addressed the Senate. He said that at that late period of the session, and when a considerable amount of public business yet remained to be disposed of, he would not of course think of entering at large on the discussion of this bill. Indeed, that was rendered unnecessary, from the fact that public opinion had been made up almost unanimously as to the necessity of having some recognized and public fiscal agent of the Government. Public opinion was at this time, perhaps, divided between the merits of this proposition, and that of making a United States Bank the fiscal agent. That division of public opinion followed party lines perhaps. But whatever might be the difference of opinion as regarded the proper agent to carry on the fiscal operations of the Government, of the necessity of such an agent there was but one opinion. All parties admitted that it was time to change, not only the fiscal system, but the fiscal agent; and that the mode of payments into the treasury should be fixed and established. With the exception of the short period during which the sub-treasury had been in operation, for ten years past, the mode of collection, transfer, and disbursement of the public money had been in an unsettled condition. They were without any fixed system. With the exception of the clauses in the act of 1789, establishing the Treasury Department, and another act of the same year relative to the collection of duties on imports, they were totally without any legislative regulation in respect to the collection, transfer, and disbursement of the public money. Now, the object of this bill was to supply that defect—to establish by law a fiscal agent, and to fix the mode of payments into the treasury. The bill adhered to the principle of divorcing the Government from any connection with banks of any kind whatever. It proceeded on the assumption that this connection had hitherto operated disadvantageously both on the Government and on the banks. By affording the means of expansion, and so interfering with the due adjustment of the currency, the effect of the bank deposit system had been highly in-

August, 1846.]

*The Constitutional Treasury Bill.*

[20th Cong.]

jurious. The time for the act to go into operation had been fixed on a day already passed, the 80th of June; it was now fixed on the 1st of January, 1847. The only amendment of importance reported by the Committee on Finance of the Senate, was as to the time at which the receipts of specie shall commence at the treasury. The time had been fixed on the 80th of June—now passed—and was now fixed on the 1st of January, 1847. The other amendments respected matters of detail, and would explain themselves. He invited the Senate to an examination of these amendments, and should make no further remarks on the general merits of the bill.

Mr. EVANS inquired if it was the intention of the honorable Senator that the amendments should be voted upon before proceeding to the general discussion of the bill.

Mr. LEWIS said he did not wish to preclude discussion at all.

Mr. EVANS said he had no objection that the amendments should be acted upon in the first instance, and he then should claim the privilege of stating his objections to the bill.

The Senate then proceeded to consider the various amendments reported by the Finance Committee.

Upon an amendment to the twenty-first section of the bill a debate arose, in which Messrs. BENTON, CALHOUN, LEWIS, DAVIS, and ALLEN, took part.

That part of the section which it is proposed to amend it as follows:

"That the disbursing officer of the Government, when furnished with the means of making payments in treasury drafts, [which cannot be disbursed at par,] shall cause those drafts to be transmitted to their places of payment, and to be properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless in such case he can exchange the means in his hands for gold and silver at par."

Mr. LEWIS moved further to amend this section by providing that in case the drafts could not be exchanged for gold and silver at par, the disbursing officer should be at liberty to pay them to the Government creditors.

Mr. BENTON was entirely opposed to the proposed amendment. It was changing the entire character of the bill. The adoption of such a provision would destroy the whole system; it would defeat the main idea upon which the sub-treasury was based. It would put it in the power of the disbursing officer to create a currency, and completely defeat the whole scheme of a hard-money currency.

Mr. ALLEN also opposed the amendment.

Mr. DAVIS said the Senator from Missouri was entirely right in saying that such a provision as this would change the whole character of the bill. It was designed originally by this section of the bill that the drafts should be limited to the places where they were drawn, but they would now be changed to drafts for circulation. It was neither more nor less than

creating a Government bank. In fact, it was enabling the Government to circulate its paper upon the credit of the Government, without the restriction imposed upon banks to redeem its paper at sight. It was an utter abandonment of the principle upon which they set out.

Mr. LEWIS said he was not aware that there was any abandonment of principle in it. It was only intended as a matter of convenience to the disbursing officer, and as saving the necessity of sending in all cases to the places where the drafts were payable for the money. If treasury drafts were to be used at all, this provision was necessary.

Mr. CALHOUN said he could see no such great difference between paying these drafts to the public creditor, and sending them to the place at which they were payable; receiving the money, and paying over that money. He could not see how a Government bank was to grow out of it. The operations of a bank involved discount and issue both; this did not. In his opinion the sub-treasury might be overthrown in two ways—first, by divesting it of all conveniences and subjecting it to a high degree of inconvenience, so as to make it expensive and odious; and, secondly, by running into what was called the paper system. He did not apprehend any danger from the latter under this bill, and the adoption of the amendment now proposed would obviate the former difficulty.

After some further remarks from the gentlemen already named, without coming to a vote upon this proposition to amend,

The Senate adjourned.

SATURDAY, August 1.

### *The Constitutional Treasury Bill.*

The Senate proceeded to the consideration of the bill for the better organization of the treasury of the United States, &c.

Mr. WEBSTER said that he should occupy the attention of the Senate but a few moments on the measure now before it. He had always been opposed to this system of a "constitutional treasury," or "independent treasury," or "sub-treasury," which was the old name for it. The evils of such a system are insurmountable, and of various kinds. But he should now briefly point out what he considered its evil consequences on the operation of the Government, without adverting to its effects upon the general business of the country. He should preface what he had to say with a very short history of this scheme. Owing to an unhappy controversy between a former President of the Union and the late Bank of the United States, the custody of the national deposits was withdrawn from the National Bank, and committed to certain selected State banks. As soon as the money was deposited in their vaults, the then Secretary of the Treasury (Mr. Taney) instructed the directors of those banks to be very free and liberal in making discounts to

merchants on the money in their vaults. The banks complied with this order, and the result was, that in 1837 they generally stopped payment. In consequence of this state of things, President Van Buren called a special session of Congress in September, 1837, and this project of an independent treasury was then brought forward for the first time. It failed, however, at that time, and again at a subsequent Congress; but in 1840 it passed into a law. Such, however, was found to be its practical working, that it was not suffered to continue in operation a year, but was repealed in 1841.

Now, there might have been at least some plausible reason for resorting to a new system in the keeping of the public treasure in 1837, for the National Bank had ceased to exist, and the State banks had all broken down. The public money must be kept somewhere, and the Government thereupon resolved "to try the untried experiment" of keeping the public funds in vaults of its own. For the last five years we had been under a system of which this formed no part. Now, the first question (said Mr. W.) which I wish to put to gentlemen who advocate this bill is this: Do they not all admit that the public moneys are now safe? Do they harbor any fear that there will be public defalcations? Is there any apprehension of the loss of the public treasure if this bill shall not be adopted? For my own part, I think the public deposits are perfectly safe where they are. The banks with whom they are intrusted have given us the most ample security, and that security, for the most part, is in stocks of the United States. If our own stock is adequate security, then the banks are in fact for the most part creditors of the United States, instead of being its debtors. They hold more of our stock than they do of our funds. Under such circumstances none can say that the public money is unsafe, and no danger, therefore, will be incurred in that respect from the postponement or even the rejection of this bill. The banks have acted with very great prudence and propriety; they have not indulged in any excess of discounts; but feeling the responsibility under which they were placed, they have acted properly and prudently, and have ever been ready to accommodate the Government in any manner not inconsistent with their duty to the stockholders and to the country. If gentlemen admit that the condition of the public money is at present as safe as we can make it, then what is the benefit which they seek from this bill, or where is the necessity of passing it?

Now, considering it as a measure of the Administration, it appears to me that it is likely, instead of proving any benefit to the Government, only to arrest or thwart the operations of the treasury. To me it is most clear that the bill will become in its practical effect a clog on the Administration. I refer gentlemen to the twenty-first and twenty-second sections of the bill as it now stands. Let them examine the probable working of these portions of the law,

and then say whether the bill will not prove not only no assistance to the fiscal operations of the Government, but, on the contrary, a great embarrassment.

I can readily understand that if the amendments which were proposed to the twenty-first section had prevailed, much facility might have resulted to the treasury from the use of treasury drafts, and placed in the hands of disbursing officers, to be paid out to the creditors of the Government. But the Senate, by a large majority, rejected those amendments. But now the bill subtracts from the facility which would otherwise have attended the operation of these treasury drafts. As the law now stands, if a man comes to the treasury with a demand for money, he gets a draft or order to the amount, which he endorses, and which is then a transferable security, and may pass through as many hands as may be necessary or convenient to the holders, and may be kept out just as long as they please. There is an unrestricted circulation of this treasury draft, and it is transferable without any further endorsement. But here, under this bill, it is made the duty of the Secretary of the Treasury to hasten the presentation of all such drafts, and to prescribe a time within which they shall be presented and paid. If the place of payment be near at hand, then they are to be presented immediately, and not to be kept or left outstanding. The amendment made here was just the reverse of the bill. The House bill goes to restrain the circulation of the drafts; our proposition gives it greater facilities. The purposes of the two are in open hostility to each other. It is clear that if the bill shall stand as it now is, instead of being of any use to the treasury, it will operate as a downright restraint on facilities which it would otherwise enjoy.

Confining my remarks altogether to the character of this bill, considered as an Administration measure, I proceed, on the other hand, to consider what will be the disadvantages to the Government from its becoming a law. I go on the supposition that the bill is to be executed, not evaded; and I say that, if the specie payments which it enjoins, are required *bona fide*, it will operate as a great embarrassment to the Government, should it be brought into circumstances when it would be necessary to negotiate a loan. There is authority for a loan now, and the Government has its option between such a measure and the issue of treasury notes. But if this law shall be carried out, no loan will be possible. And why not? Because the law will demand that eight or ten millions of dollars in hard specie shall be withdrawn from all the purposes of society, some four or five millions of it being locked up in Government chests and vaults, and some four or five millions more being constantly in transitu, as the expenses of the Government may require. Then, if the Government wants a loan, how is it to be got? The practical mode at present pursued is this: some large banking-house takes, for example,

two millions of the Government loan: But this man cannot advance the cash till he finds banks who are willing to take the United States stock, and advance him a temporary loan upon it, until, to use the business phrase, he shall be able to "place the money;" that is, shall be able to find persons who will take the stock, with a view to hold it and receive interest upon it. This is the mode now pursued; but what will be the condition of the banks who may be asked by him to advance money upon stock after this bill shall have become a law? How can they possibly do it? The sum they agree to advance must be paid in gold and silver, taken at the instant out of their own vaults, and carried across the street to be locked up in the vaults of some Government depository. If the bullion remained with the banks, and a credit on their books was all that was required, then they might do it; but the specie is instantly called for, and is so much deducted from the basis of their circulation. Their customers will not agree to it, their directors will not agree to it, their stockholders will not agree to it. I say, therefore, if this law is not evaded, but is obeyed *bona fide*, any contraction of a Government loan must be out of the question. I put that fact to any man acquainted with business, and ask if he can gainsay it.

I do not mean to go at any length into the embarrassments which this bill must inflict on the mercantile community; but there is one so obvious and prominent, that I cannot forbear mentioning it as in connection with another bill which we have recently passed. Those who expect an adequate revenue under the new tariff law look of course for largely augmented importations, and they expect that the duties on these importations are to be paid. This bill says they are to be paid in gold and silver, and I ask, where is the importer to get his money? The ordinary way is to go to a bank, and say to the directors or the president, I have five thousand dollars of duties to pay to-day; the banks, knowing that he is about to enter his goods, and that they shall immediately get the money back from the custom-house, make no difficulty; but if they knew that the money, instead of coming back into their vaults, is to be lugged off in specie and locked up in a Government vault, and that so much is to be taken from the basis of their circulation, will not be quite so ready to accommodate; and even the apprehension of a difficulty of this kind is, in the matter of credit and advances, more than half as bad as the thing itself. The apprehended evil is as much against a disposition in the banks to advance as the evil itself.

I agree, indeed, that the severity of the pressure will be mitigated by the use of treasury notes, so long as those treasury notes remain in circulation; and, therefore, I say that gentlemen may be assured of one thing: if this sub-treasury system is to be adopted, the system of treasury notes will be coeval with it in duration. As long as the one stands the other

must be resorted to; for the law would be altogether intolerable without such a relief. And here I say again, what I recently said on the subject of treasury notes, that I see no reason why treasury notes should not be issued at once. There seems to prevail an idea at the treasury that the Government should not issue its notes as long as it has a dollar in the treasury, and that they must spend the six millions, or whatever other balance there may be there, before any treasury note is issued. It was my idea that the Government should issue notes while it had money under its keeping, and thereby the Government might sustain its credit. But it seems that other notions have prevailed. Now, I think that for the same reason that this bill will create embarrassment in regard to a loan, it will create the same embarrassment in relation to treasury notes, because it will cast discredit generally upon all securities issued by the Government.

And now I will call the attention of the Senate to the condition of things as they at present exist; and as they will be. I suppose the warehousing bill is destined to pass into a law. The new tariff has become a law, and it has reduced the duties to be imposed. Of course the imports for this and for the next quarter will be very limited. Men will either not bring in goods at all now, or only for the purpose of taking them out to get the benefit of the drawback, and not to enter them in payment of duty. The receipts, therefore, must be very small. There is another reason why this will fall below the ordinary amount. There is in the country a large quantity of goods which have been brought in, but not consumed. These will be re-exported for drawback, and stored in some neighboring port until the tariff law goes into effect, and then they will be re-imported. All this must create a serious loss to the treasury. And then, notwithstanding this, and notwithstanding that another large amount of goods which had been warehoused will on the 1st of December be taken out and entered for duty; and as the articles exported for drawback will be returning soon after, the probable receipts of the quarter commencing on the 1st of January must be very large; yet, I say, notwithstanding this—that is, the very time when this law begins to demand that all duties shall be paid in specie—just at that time, when the amount of importation is at the highest point in the whole year, this demand for gold and silver meets the importing merchant in the face. Do not gentlemen see how serious an inconvenience must be inflicted by such a conjuncture as this? It is plain that the Government can get no loan at such a time. It will be as much as the banks can do to stand the call that will be made upon them for specie by their own customers, especially if the importations shall be any thing like what is calculated by the Secretary of the Treasury. And the prospect of such a demand, the knowledge be-

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The Constitutional Treasury Bill.

[August, 1848.]

forehand that it may come, will act as strongly against the possibility of a loan as the fact itself. The certain prospect that their specie will be called for, to be locked up in Government vaults even for a short time, will induce the banks to curtail their discounts, and must be productive of very great embarrassment, both public and private.

I say in all seriousness that this should be entitled "A bill to embarrass the treasury in the disbursement of the public money." Here will be both the tariff and the sub-treasury coming into practical operation at one time. Is not one of them enough to cope with at once? Then we are under the pressure of a public war—a war of which none can see the end; and it is under these circumstances that we have ventured upon an entire change in the collection of revenue, and adopted a system wholly untried. Is it necessary, on the top of this, to introduce another new and untried system in the disbursement of our revenue? Must we have more experiments? A new system of collection, and a new system of disbursement? Is this prudent?

But as I promised when I rose to detain the Senate but for a few minutes, I will not do more than put a question or two to gentlemen on the other side.

Will any man say that the public moneys are now unsafe? Does any man apprehend that they are likely to be lost? [After a pause:] Nobody will say so.

I put to gentlemen another question. Is there any gentleman here who will say that he believes that this law will give any new facilities to the Government? [Mr. W. here paused again.] If there is, I should like to hear his voice. I shall be greatly obliged to him to say so now, and not to answer the interrogatory only by crying "aye" on the passage of this bill. I greatly fear that I shall not hear any other affirmative reply. I doubt if there is one gentleman who will or can answer either of these questions in the affirmative. On the contrary, I leave it to those who are connected with the Administration, and who, from their position, live in habits of daily intercourse with those who conduct the Government, to say whether it is not their own candid opinion that this bill—Administration bill though it be—will not prove a help, but rather a hindrance to them in the administration of our fiscal concerns.

The operation of this law on the commercial community, its strange un-American character, have been so fully exposed by the honorable Senators from Maine and Connecticut (Mr. EVANS and Mr. HUNTINGTON) that I will not now enter on that part of the subject. I frankly confess that I never did expect that this sub-treasury scheme would ever be revived. I had heard of "Polk, Dallas, and the tariff of '42," but I really never did expect to hear of "Polk, Dallas, and the old dead sub-treasury."

I would move to postpone the further con-

sideration of this bill to the next Congress but that I do not wish to be voted down. I will therefore simply throw out the suggestion that it will be for the advantage, both of the Government and the people, that it should be so postponed.

Mr. CALHOUN said he had formerly expressed his opinion on this subject, and it was sufficient now to say that his opinion remained unchanged. When he was up before he had fully expressed his views; time and reflection had only confirmed them. He was fully aware that it was at all times a very delicate process to separate the Government from the banks, and it was especially so in a time of war. It was under that impression that he should not have objected to the postponement of the present bill if such had been the desire of his political friends; but such was not their desire, and he believed that, in time of war, the process might be gone through with. It was under this impression that his friends had thought proper, contrary to his views, to put a restriction on the use of treasury drafts. He thought that was hazardous, even in time of peace; it was still more so in war; it must increase the difficulty greatly; yet he trusted the measure would go into effect. As he was entirely sincere in believing that the bill, if it became a law, would prove a great benefit to the country, and especially to the manufacturing interest, by preventing those expansions of bank issues which had always proved so injurious and ruinous to the country, he regretted that a just public opinion in regard to it should be put in peril. If the present war should continue for any time, he did not doubt the Government would be brought into great pecuniary difficulty, because we had not made the requisite previous financial preparations. Hence there must be great additional expense, and he feared that this would not be attributed to its proper cause, but that the odium would be cast where it was not deserved. Seeing that this measure had been recommended by the President of the United States, he was more especially anxious to avoid a war, and peculiarly so at this time, because he knew it must have an injurious bearing on these important measures. Under this impression, he had done what he believed to be his duty towards avoiding both the Oregon and the Mexican war. It now remained for him to do his duty in regard to this bill. He wished that it should be put into operation in the best practicable mode, and he still hoped that it would go through successfully. Under these impressions, he should cheerfully give his vote for this bill. He trusted the war would be brought to as speedy a termination as the honor of the country would admit, and if that should be the case, he had no fears of any reaction.

Mr. CORTLANDER said that this sub-treasury scheme was an old acquaintance in the Senate. The principle, that the Government must take care of itself and leave the people to take care

of themselves, had been announced a good while ago, and that was precisely the principle of this bill. The maxim, in political economy, had been laid down by the President who first introduced this notable plan. He said that the people were in the habit of expecting too much from the Government; that it was the duty of the Government to take care of itself, and that the people must take care of themselves. This maxim had introduced the old sub-treasury bill, and after a severe struggle that bill became a law. And what was the consequence? The people, feeling its practical effect, adopted a mode of taking care of themselves which was the most effectual that could have been devised. They turned out the whole Administration, from the President downward. Now, said Mr. C., I had hoped that a lesson like this would have been remembered, for that was the only sensible consequence that I ever knew to grow out of this sub-treasury scheme. The Senator from Missouri (Mr. BENTON) has recently brought to light another admirable use of it, to which I was a stranger, and that was, that it enabled us to pay the poor Indians their annuities in depreciated funds. I think it will be admitted, that if any measure ever was rejected by the American people, it is this very sub-treasury scheme. I do not call it the independent treasury; I call it the sub-treasury; and I want its old name retained, that the people may know that it is the same thing which was forced upon their necks once before, and which they very quickly broke to fragments. The object of this bill, in technical language, in cabalistic phraseology, is, to "divorce the Government from the banks." Its true object is, to divorce the people from their Government. When this was tried the last time, the people did not bear it very well, and the result was, that the Government was divorced from the people! And I really must say, that I cannot but admire the courage and perseverance of gentlemen in bringing forward this scheme again. There is, however, I think, some little tremulousness. I think I can see a slight wavering; but I do not wish to detract from the exalted reputation of gentlemen for moral courage. It is certainly very great, and if they choose to dare their fate, why, be it so. The people have already given judgment on this bill; if they have a mind to try it again, let them take the consequences. If experience will not teach them, it is vain to try any other argument. If argument could have deterred them, sure I am that they would have been deterred, for argument has been used with unanswerable force. Yet their measure seems to bear a charmed life. It is the result of a party pledge. The Baltimore Convention announced to the world that such a law was to be enacted, and I suppose the deed must be done. Now, political life is not very apt to make saints, but it has made a great many prophets; and it seems to me that one in the least gifted with prophetic vision may very safely predict, that the

consequence of this, and of its kindred measures, will be now what it was in 1840. Gentlemen are rushing on their fate—bravely, I acknowledge. They confront danger, and bid defiance to death. It is well. Let them go on, and renew those distresses which the country has not yet forgotten, and the decision of the country will be what it was then. The people will divorce them in short order. If it is divorce that you want, I venture to predict your entire gratification.

Why, sir, nothing was ever more ridiculous or contemptible than such a bill as this. The Senator from Maine (Mr. EVANS) was very anxious to be informed what was the legal condition of the public money when it was out of their vaults and safes, which this bill declares to be the Treasury of the United States. And there seems but one way of providing an answer for this question; and that is, to declare that all the railroad cars, and all the steamboats, big and little, in which any of the public money is transported, are also the Treasury of the United States. If the local presence of public money can make them the Treasury, they certainly are as fully entitled to be so called as any safes or vaults which you can build.

It seems to me that, besides all the other effects of this bill which have been pointed out, one result of it will be that more than one-third of all the gold and silver of the country must pass through the hands of the Government on our Atlantic border. What will be the consequence of this? The obvious consequences must be, that in that district of the country will be the great demand for specie, and thither the specie must go to meet that demand. It will speedily vanish from all the interior; not an eagle will remain there; they will all have taken wing for the Atlantic shores. How will our part of the country relieve itself from this scarcity of the precious metals? I cannot see; for, the cause being permanent, the drain will be as constant as the flow of our great waters.

And, besides this, the public money in large amounts must remain shut up and totally useless. The Secretary of the Treasury says that the Government must always have four or five millions reserved in the Treasury to meet contingencies. What more? We know that the disbursements will not always exactly correspond with the collections. We have authorized the Government to issue twelve millions in treasury notes. They will help to augment the deposits in the treasury, and even by Government drafts the sum will be augmented to the utmost extent, as far as these drafts can be used. It is not, therefore, unsafe to say that there will not be less than ten or twelve millions locked up in the sub-treasury. There may be vastly more; there cannot well be much less. However, I will not go into the matter further. It is an old subject, and one well understood. The bill must pass; there must be an upper as well as a nether millstone,



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*The River and Harbor Bill Veto.*

[August, 1844.]

or there can be no grinding. We have the tariff; we are to have the sub-treasury. All we can do is, to give the people warning that this is coming upon them, and then to shelter ourselves till the people shall decide whether the divorce of the people from the Government shall or shall not be answered by a divorce of the Government from the people.

The question was now taken on the passage of the bill, when it was decided by yeas and nays as follows:

YEAS.—Messrs. Allen, Ashley, Atchison, Atherton, Bagby, Benton, Breese, Bright, Calhoun, Cameron, Cass, Chalmers, Dickinson, Dix, Fairfield, Hannegan, Houston, Lewis, Niles, Pennybacker, Rusk, Semple, Sevier, Speight, Sturgeon, Turney, Westcott, and Yulee—28.

NAYS.—Messrs. Archer, Barrow, Berrien, Olley, John M. Clayton, Thomas Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Huntington, Jernagin, Johnson of Louisiana, Johnson of Maryland, Mangum, Miller, Morehead, Pierce, Phelps, Simmons, Upham, Webster, and Woodbridge—25.

So the bill was passed.

#### HOUSE OF REPRESENTATIVES.

MONDAY, August 3.

#### *The River and Harbor Veto.*

Mr. TIBBATS moved that the Message in writing from the President of the United States be now taken up and read.

Mr. ROOR objected.

On motion of Mr. TIBBATS, the rules of the House were suspended for the purpose, and the Message was read as follows:

*To the House of Representatives:*

I have considered the bill entitled "An act making appropriations for the improvement of certain harbors and rivers," with the care which its importance demands, and now return the same to the House of Representatives in which it originated, with my objections to its becoming a law. The bill proposes to appropriate one million three hundred and seventy-eight thousand four hundred and fifty dollars, to be applied to more than forty distinct and separate objects of improvement. On examining its provisions, and the variety of objects of improvement which it embraces, many of them of a local character, it is difficult to conceive, if it shall be sanctioned and become a law, what practical constitutional restraint can hereafter be imposed upon the most extended system of internal improvements by the Federal Government in all parts of the Union. The constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvement within the States, or to appropriate money from the treasury for that purpose. That this bill assumes for the Federal Government the right to exercise this power, cannot, I think, be doubted. The approved course of the Government, and the deliberately-expressed judgment of the people, have denied the existence of such a power under the constitution. Several of my predecessors have denied its existence in the most solemn forms.

The general proposition that the Federal Gov-

ernment does not possess this power, is so well settled, and has for a considerable period been so generally acquiesced in, that it is not deemed necessary to reiterate the arguments by which it is sustained. Nor do I deem it necessary, after the full and elaborate discussions which have taken place before the country on this subject, to do more than state the general considerations which have satisfied me of the unconstitutionality and inexpediency of the exercise of such a power.

It is not questioned that the Federal Government is one of limited powers. Its powers are such, and such only, as are expressly granted in the constitution, or are properly incident to the expressly granted powers, and necessary to their execution. In determining whether a given power has been granted, a sound rule of construction has been laid down by Mr. Madison. That rule is, that "whenever a question arises concerning a particular power, the first question is, whether the power be expressed in the constitution. If it be, the question is decided. If it be not expressed, the inquiry must be, whether it is properly an incident to an expressed power, and necessary to its execution. If it be, it may be exercised by Congress. If it be not, Congress cannot exercise it." It is pretended that there is any express grant in the constitution conferring on Congress the power in question. Is it, then, an incidental power, necessary and proper for the execution of any of the granted powers? All the granted powers, it is confidently affirmed, may be effectually executed without the aid of such an incident. "A power, to be incidental, must not be exercised for ends which make it a principal, or substantive power, independent of the principal power to which it is an incident." It is not enough that it may be regarded by Congress as convenient, or that its exercise would advance the public weal. It must be necessary and proper to the execution of the principal expressed power to which it is an incident, and without which such principal power cannot be carried into effect. The whole frame of the Federal constitution proves that the Government which it creates was intended to be one of limited and specified powers. A construction of the constitution so broad as that by which the power in question is defended, tends imperceptibly to a consolidation of power in a Government intended by its framers to be thus limited in its authority. "The obvious tendency and inevitable result of a consolidation of the States into one sovereignty, would be to transform the republican system of the United States into a monarchy." To guard against the assumption of all powers which encroach upon the reserved sovereignty of the States, and which consequently tend to consolidation, is the duty of all the true friends of our political system. That the power in question is not properly an incident to any of the granted powers, I am fully satisfied; but if there were doubts on this subject, experience has demonstrated the wisdom of the rule that all the functionaries of the Federal Government should abstain from the exercise of all questionable or doubtful powers. If an enlargement of the powers of the Federal Government should be deemed proper, it is safer and wiser to appeal to the States and the people in the mode prescribed by the constitution for the grant desired, than to assume its exercise without an amendment of the constitution. If Congress does not possess the general power to

construct works of internal improvement within the States, or to appropriate money from the treasury for that purpose, what is there to exempt some, at least, of the objects of appropriation included in this bill from the operation of the general rule? This bill assumes the existence of the power, and in some of its provisions asserts the principle, that Congress may exercise it as fully as though the appropriations which it proposes were applicable to the construction of roads and canals. If there be a distinction in principle, it is not perceived, and should be clearly defined. Some of the objects of appropriation contained in this bill are local in their character, and lie within the limits of a single State; and though, in the language of the bill, they are called *harbors*, they are not connected with foreign commerce, nor are they places of refuge or shelter for our navy or commercial marine on the ocean or lake shores. To call the mouth of a creek, or a shallow inlet on our coast a harbor, cannot confer the authority to expend the public money in its improvement. Congress have exercised the power coeval with the constitution of establishing light-houses, beacons, buoys, and piers, on our ocean and lake shores, for the purpose of rendering navigation safe and easy, and of affording protection and shelter for our navy and other shipping. These are safeguards placed in existing channels of navigation. After the long acquiescence of the Government through all preceding Administrations, I am not disposed to question or disturb the authority to make appropriations for such purposes.

When we advance a step beyond this point, and in addition to the establishment and support, by appropriations from the treasury, of light-houses, beacons, buoys, piers, and other improvements within the bays, inlets, and harbors on our ocean and lake coasts immediately connected with our foreign commerce, and attempt to make improvements in the interior at points unconnected with foreign commerce, and where they are not needed for the protection and security of our navy and commercial marine, the difficulty arises in drawing a line beyond which appropriations may not be made by the Federal Government.

One of my predecessors, who saw the evil consequences of the system proposed to be revived by this bill, attempted to define this line by declaring that, "expenditures of this character" should be "confined below the ports of entry or delivery established by law!" Acting on this restriction, he withheld his sanction from a bill which had passed Congress, "to improve the navigation of the Wabash River." He was at the same time "sensible that this restriction was not as satisfactory as could be desired, and that much embarrassment may be caused to the Executive department in its execution, by appropriations for remote and not well understood objects." This restriction, it was soon found, was subject to be evaded and rendered comparatively useless in checking the system of improvements which it was designed to arrest, in consequence of the facility with which ports of entry and delivery may be established by law upon the upper waters, and in some instances, almost at the head springs of some of the most unimportant of our rivers, and at points on our coast possessing no commercial importance, and not used as places of refuge and safety by our navy, and other shipping. Many of the ports of entry and deliv-

ery now authorized by law, so far as foreign commerce is concerned, exist only in the statute-books. No entry of foreign goods is ever made, and no duties are ever collected at them. No exports of American products bound for foreign countries, ever clear from them. To assume that their existence in the statute-books as ports of entry or delivery warrant expenditures on the waters leading to them, which would be otherwise unauthorized, would be to assert the proposition, that the law-making power may ingraft new provisions on the constitution. If the restriction be a sound one, it can only apply to the bays, inlets, and rivers connected with or leading to such ports as actually have foreign commerce; ports at which foreign importations arrive in bulk, paying the duties charged by law, and from which exports are made to foreign countries. It will be found by applying the restriction thus understood to the bill under consideration, that it contains appropriations for more than twenty objects of internal improvement, called in the bill *harbors*, at places which have never been declared by law either ports of entry or delivery, and at which, as appears from the records of the treasury, there has never been an arrival of foreign merchandise, and from which there has never been a vessel cleared for a foreign country. It will be found that many of these works are new, and at places for the improvement of which appropriations are now for the first time proposed. It will be found, also, that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which, if improved, can benefit only the particular neighborhood in which they are situated. It will be found, too, to contain appropriations, the expenditure of which will only have the effect of improving one place at the expense of the local, natural advantages of another in its vicinity. Should this bill become a law, the same principle which authorizes the appropriations which it proposes to make, would also authorize similar appropriations for the improvement of all the other bays, inlets, and creeks, which may with equal propriety be called harbors, and of all the rivers, important or unimportant, in every part of the Union. To sanction the bill with such provisions, would be to concede the principle that the Federal Government possesses the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive Congresses and successive Executives. It would be to efface and remove the limitations and restrictions of power, which the constitution has wisely provided to limit the authority and action of the Federal Government to a few well-defined and specified objects. Besides these objections, the practical evils which must flow from the exercise, on the part of the Federal Government, of the powers asserted in this bill, impress my mind with a grave sense of my duty to avert them from the country, as far as my constitutional action may enable me to do so.

It not only leads to a consolidation of power in the Federal Government at the expense of the rightful authority of the States, but its inevitable tendency is, to embrace objects for the expenditure of the public money, which are local in their character, benefiting but few at the expense of the

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Oregon.

[August, 1846.]

common treasury of the whole. It will engender sectional feelings and prejudices calculated to disturb the harmony of the Union. It will destroy the harmony which should prevail in our legislative councils. It will produce combinations of local and sectional interests, strong enough, when united, to carry propositions for appropriations of public money which could not of themselves, and standing alone, succeed, and cannot fail to lead to wasteful and extravagant expenditures.

It must produce a disreputable scramble for the public money; by the conflict which is inseparable from such a system, between local and individual interests and the general interest of the whole. It is unjust to those States which have with their own means constructed their own internal improvements, to make from the common treasury appropriations for similar improvements in other States.

In its operation it will be oppressive and unjust towards those States whose representatives and people either deny or doubt the existence of the power, or think its exercise inexpedient, and who, while they equally contribute to the treasury, cannot, consistently with their opinions, engage in the general competition for a share of the public money. Thus a large portion of the Union in numbers and in geographical extent, contributing its equal proportion of taxes to the support of the Government, would, under the operation of such a system, be compelled to see the national treasure—the common stock of all—unequally disbursed, and often improvidently wasted for the advantage of small sections, instead of being applied to the great national purposes in which all have a common interest, and for which alone the power to collect the revenue was given. Should the system of internal improvements proposed prevail, all these evils will multiply and increase with the increase of the number of the States, and the extension of the geographical limits of the settled portions of our country. With the increase of our numbers and the extension of our settlements, the local objects demanding appropriations of the public money for their improvement will be proportionately increased. In each case the expenditure of the public money would confer benefits, direct or indirect, only on a section, while these sections would become daily less in comparison with the whole.

The wisdom of the framers of the constitution in withholding power over such objects from the Federal Government, and leaving them to the local Governments of the States, becomes more and more manifest with every year's experience of the operations of our system.

In a country of limited extent, with but few such objects of expenditure, (if the form of Government permitted it,) a common treasury might be used for their improvement, with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory. The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek, and river in our country which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood.

The Federal Constitution was wisely adapted in its provisions to any expansion of our limits and population; and with the advance of the confederacy of the States in the career of national greatness, it becomes the more apparent that the harmony of the Union, and the equal justice to which

all its parts are entitled, require that the Federal Government should confine its action within the limits prescribed by the constitution to its power and authority. Some of the provisions of this bill are not subject to the objections stated, and did they stand alone I should not feel it to be my duty to withhold my approval.

If no constitutional objections existed to the bill, there are others of a serious nature which deserve some consideration. It appropriates between one and two millions of dollars for objects which are of no pressing necessity; and this is proposed at a time when the country is engaged in a foreign war, and when Congress, at its present session, has authorized a loan, or the issue of treasury notes, to defray the expenses of the war, to be resorted to if the "exigencies of the Government shall require it." It would seem to be the dictate of wisdom under such circumstances to husband our means, and not to waste them on comparatively unimportant objects, so that we may reduce the loan or issue of treasury notes which may become necessary to the smallest practicable sum. It would seem to be wise, too, to abstain from such expenditures with a view to avoid the accumulation of a large public debt; the existence of which would be opposed to the interests of our people, as well as to the genius of our free institutions.

Should this bill become a law, the principle which it establishes will inevitably lead to large and annually increasing appropriations and drains upon the treasury, for it is not to be doubted that numerous other localities not embraced in its provisions, but quite as much entitled to the favor of the Government as those which are embraced, will demand, through their representatives in Congress, to be placed on an equal footing with them. With such an increase of expenditure must necessarily follow either an increased public debt, or increased burdens upon the people by taxation, to supply the treasury with the means of meeting the accumulated demands upon it.

With profound respect for the opinions of Congress, and ever anxious, as far as I can consistently with my responsibility to our common constituents, to cooperate with them in the discharge of our respective duties, it is with unfeigned regret that I find myself constrained, for the reasons which I have assigned, to withhold my approval from this bill. JAMES K. POLK.

WASHINGTON, August 8, 1846.

The reading having been concluded,

A number of members claimed the floor.

The SPEAKER. The question will be, "Shall this bill become a law, the objections of the President to the contrary notwithstanding?"

[A lengthy debate followed, in which Messrs. Douglas, Willmot, Holmes, Tibbatts, and Brinkerhoff took part, when the vote was taken on the bill, and it was rejected.]

IN SENATE.

THURSDAY, August 6.

Oregon.

A Message was received from the President of the United States in relation to the Oregon treaty. [See House proceedings.]

The communication having been read—

Mr. SPEIGHT moved that it be referred to the Committee on Territories, and printed.

Mr. HANNEGAN said he must confess that he could not see any propriety in attempting to act upon any measures in relation to Oregon at this late period of the session, when their table was already groaning under a great amount of business. Any measure contemplating the establishment of a territorial government in Oregon, as a matter of course, under all the circumstances which had heretofore transpired, must occasion a lengthened debate; for it was only right, just, and proper, that those who voted against the treaty should have an opportunity to give their views to the country. They had had no such opportunity heretofore; and, for his own part, he should feel ashamed to obtrude himself upon the time of the Senate upon this subject, when there were but three days remaining of the session. He moved, therefore, that the communication be laid upon the table, and that all measures now pending relating to Oregon be postponed until the first Monday in December next.

The VICE PRESIDENT remarked that a part of the motion just made being to lay the communication of the President upon the table, it was not debatable.

Mr. HANNEGAN said he would withdraw that part of his motion.

Mr. SPEIGHT rose and said that there was no disposition on his part to bring on a discussion at this time upon the subject of Oregon. The motion which he had made to print, was made because he thought some disposition ought to be made of the communication of the President, and he had not seen any gentleman disposed to make any motion regarding it. He agreed perfectly with the Senator from Indiana, that there was not now time enough for the consideration of the subject. He would therefore withdraw his motion to refer.

Mr. SEVIER said he hoped it would be referred, for it was highly necessary and proper that some measure should be adopted for the establishment of a territorial government over Oregon. American citizens who were there had a right to expect that a government would be provided for them; and the passage of a bill for that purpose was a matter which would occupy but little time. There were precedents and forms in abundance. The laws required for the government of that Territory would be analogous in all respects to those which applied to other Territories. He did not conceive that the passage of such a bill could give rise to any debate; it might be passed, he was quite sure, in twenty minutes, as its details would be precisely like those of all other territorial bills. He hoped the communication would be referred, and the usual course taken in regard to it.

Mr. ALLEN said he hoped that all those measures which had for their object the extension of our laws over the little remnant of Oregon, would be permitted to take the usual course,

and be proceeded with to their final consummation. He was disposed to give to so much of Oregon as remained to us the benefit of our laws. This far he would not withhold his aid from any measure which his friends might desire, but as the grand consummation of their labors had been the dismemberment of Oregon, he was also desirous that a full exposition of the whole proceeding in relation to it should be presented to the eyes of the whole country. It was a matter with which he had been somewhat closely connected on account of the position he had held, and it was one in which he had been compelled to differ from many gentlemen for whose opinions he had always entertained the highest respect. It was a question the final termination of which had, in his opinion, inflicted not only a large sacrifice, but deep humility upon the nation at large. These were his views. He would, nevertheless, aid by his vote, as he had before said, in the extension of our laws over so much of Oregon as we had left, as speedily as possible; for he would not make himself responsible for exposing the little remnant of Oregon that was still ours to the danger of ultimate separation from the United States. Three or four weeks of intervening time after the ratification of the treaty, might produce a state of things in Oregon which would render it impossible for them hereafter to incorporate that territory into the body of this Union. For these reasons he would be compelled reluctantly to differ with his friend from Indiana in the motion which he had made, and to offer what assistance he was able to offer to keep together these few fragments of our empire. He trusted that the law would be so framed as to prevent any man who held allegiance to the British crown from holding an acre of land in fee simple in that territory. He wanted no British subject to possess any rights within our territory there. He wanted to legislate the Hudson Bay Company out of the territory, and that as speedily as possible.

Mr. HANNEGAN said he would amend his motion, by moving that the communication be laid upon the table and printed.

The question was subsequently divided; and the yeas and nays being taken on the first branch, viz., to lay upon the table, it was decided in the affirmative.

The motion to print was then agreed to without a division.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, August 6.

*Oregon.*

The SPEAKER said that there was on the Speaker's table a very important communication from the President of the United States, which the Speaker asked leave at this time to present to the House.

No objection being made,

[1st SESS.]

Oregon.

[AUGUST, 1846.]

The SPEAKER laid the said Message before the House, and it was read as follows:

*To the Senate and House of Representatives of the United States:*

I communicate herewith a copy of a convention for the settlement and adjustment of the Oregon question, which was concluded in this city on the fifteenth day of June last, between the United States and her Britannic Majesty. This convention has since been duly ratified by the respective parties, and the ratifications were exchanged at London on the seventeenth day of July, 1846.

It now becomes important that provision should be made by law, at the earliest practicable period, for the organization of a territorial government in Oregon.

It is also deemed proper that our laws regulating trade and intercourse with the Indian tribes east of the Rocky Mountains, should be extended to such tribes within our territory as dwell beyond them; and that a suitable number of Indian agents should be appointed for the purpose of carrying these laws into execution.

It is likewise important that mail facilities, so indispensable for the diffusion of information, and for binding together the different portions of our extended Confederacy, should be afforded to our citizens west of the Rocky Mountains.

There is another subject to which I desire to call your special attention. It is of great importance to our country generally, and especially to our navigating and whaling interests, that the Pacific Coast, and indeed the whole of our territory west of the Rocky Mountains, should speedily be filled up by a hardy and patriotic population. Emigrants to that territory have many difficulties to encounter and privations to endure, in their long and perilous journey; and by the time they reach their place of destination, their pecuniary means are generally much reduced, if not altogether exhausted. Under these circumstances, it is deemed but an act of justice that these emigrants, whilst most effectually advancing the interests and policy of the Government, should be aided, by liberal grants of land. I would, therefore, recommend that such grants be made to actual settlers, upon the terms and under the restrictions and limitations which Congress may think advisable.

JAMES K. POLK.

WASHINGTON, August 5, 1846.

The United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable, for the future welfare of both countries, that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the north-west coast of America, lying westward of the Rocky or Stony Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, have respectively named plenipotentiaries to treat and agree concerning the terms of such settlement—that is to say: the President of the United States of America has, on his part, furnished with full powers James Buchanan, Secretary of State of the United States, and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has, on her part, appointed the right honorable Richard Pakenham, a member of

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her Majesty's most honorable Privy Council, and her Majesty's Envoy Extraordinary and Minister-Plenipotentiary to the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ART. 1. From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States, and those of her Britannic Majesty, shall be continued westward along the said forty-ninth parallel of north latitude, to the middle of the channel which separates the continent from Vancouver's Island; and thence southerly through the middle of the said channel and of Fuca's Straits to the Pacific Ocean: *Provided, however,* That the navigation of the whole of the said channel and straits south of the forty-ninth parallel of north latitude remain free and open to both parties.

ART. 2. From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson Bay Company, and to all British subjects trading with the same, to the point where the said branch meets the main stream of the Columbia, and thence down the said main stream to the ocean, with free access into and through the said river or rivers, it being understood that all the usual portages along the line thus described shall in like manner be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, always understood, that nothing in this article shall be construed as preventing, or intended to prevent, the Government of the United States from making any regulations respecting the navigation of the said river or rivers not inconsistent with the present treaty.

ART. 3. In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson Bay Company and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.

ART. 4. The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States Government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said Government at a proper valuation, to be agreed upon between the parties.

ART. 5. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by her Britannic Majesty; and the ratification shall be exchanged at London at the expiration of six months from the date hereof, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Washington the fifteenth day of June, in

August, 1846.]

Oregon.

[29TH CONG.]

the year of our Lord one thousand eight hundred and forty-six.

(Signed) JAMES BUCHANAN, [L. S.]  
RICHARD PAKENHAM, [L. S.]

Mr. DOUGLAS rose and said, before he made the motion he intended to make, he wished to say that the Committee on Territories had had the subject of a territorial government for Oregon under consideration, and they had drawn up a bill for the organization of a territorial government there, which would be in accordance with the settlement which had been made, or at any rate would not conflict with it in any particular, and which it was presumed embraced no objectionable features, and would give rise to no debate. It simply provided for the ordinary territorial government. And he was instructed by the committee to ask the unanimous consent of the House to report this bill at this time, that it might be considered in connection with the Message. If any objection was made, he should move a suspension of the rules for its reception.

Mr. DROMGOOLE. I would very respectfully suggest to the gentleman from Illinois, that it would be more in order to dispose of the pending Message, either by referring to some committee, or by laying it on the table.

Mr. DOUGLAS. In reply, I would state to the gentleman from Virginia—

Mr. DROMGOOLE. I move to lay the Message on the table.

The motion being agreed to, the Message was laid on the table, and ordered to be printed.

Mr. DOUGLAS then, the unanimous consent of the House being accorded, reported, from the Committee on Territories, a bill to establish the territorial government of Oregon.

The bill having been read twice by its title, Mr. JAMES THOMPSON rose and said, that, in behalf of himself and other members, constituting a minority of the Committee on the Territories, he desired to offer the following amendment to the bill:

Amend the 12th section in the 10th line, by inserting after the word "Oregon," the following:

"And neither slavery nor involuntary servitude shall ever exist in said Territory, except for crime, whereof the party shall have been duly convicted."

After some conversation on a point of order—

Mr. DOUGLAS said he would ask the House to suspend the rules, for the purpose of considering the bill in the House, without going into Committee of the Whole on the state of the Union. He presumed it would not take fifteen minutes.

Objection was made.

Mr. DOUGLAS moved the commitment of the bill and amendment to the Committee of the Whole on the state of the Union, and that they be printed.

Mr. McDOWELL, of Ohio, inquired of Mr. DOUGLAS whether the bill observed the joint

occupant rights of British subjects, secured to them under the treaty, south of 42°?

Mr. DOUGLAS said the bill contained nothing on that point, but left it to subsequent legislation.

The bill and proposed amendment were then referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

On motion of Mr. DOUGLAS, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. HENLEY, of Indiana, in the chair,) and proceeded to the consideration of the bill establishing the territorial government of Oregon.

The bill having been read through, was taken up by sections.

[A brief debate ensued relative to the boundaries of Oregon, when]

The time allowed for the debate having expired, the committee proceeded to vote.

Mr. JACOB THOMPSON moved to add two sections to the bill—one extending our Indian laws over the territory, and the other creating an additional Indian agency for that country. Agreed to.

Mr. JAMES THOMPSON moved to insert the following: "And neither slavery nor involuntary servitude shall ever exist in said Territory, except in the punishment of crimes." Agreed to—ayes 100, noes not counted.

Mr. WINTHROP proposed an amendment granting to Mrs. Martha Gray, the widow of Captain Robert Gray, the discoverer of the Columbia River, a township of land, to be located in the Oregon territory. Carried—ayes 88, noes 46.

The committee then rose and reported the bill and amendments to the House.

Mr. DOUGLAS demanded the previous question, which was seconded, and the main question was ordered to be now taken, [which main question was on concurring in the amendments, and on ordering the bill to a third reading.]

Such amendments as are not herein more particularly noticed, were concurred in without a record vote.

On concurring in the amendment of Mr. JAMES THOMPSON to the 12th section, providing that neither slavery nor involuntary servitude shall ever exist in the said territory, except for crime whereof the party shall have been convicted,

Mr. ASHMUN asked the yeas and nays, which were ordered; and, being taken, resulted as follows:

YAYS.—Messrs. Abbott, John Quincy Adams, Anderson, Arnold, Ashmun, Benton, Blanchard, Brinkerhoff, Brodhead, William W. Campbell, John H. Campbell, Carroll, Cathcart, Collin, Cranston, Calver, Cummins, Cunningham, De Mott, Dundas, Edsall, Ellsworth, Erdman, J. H. Ewing, Farns, Foot, Foster, Fries, Garvin, Giles, Goodyear, Gordon, Grider, Grinnell, Grover, Hamlin, Hampton, Harper, Henley, Elias B. Holmes, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt,

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Relations with Mexico.

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James B. Hunt, Jenkins, James H. Johnson, Kaufman, Daniel P. King, Preston King, Lawrence, Lewis, Macley, McClean, McClelland, McCrate, McGaughey, McHenry, McIlvaine, Marsh, Miller, Morris, Moulton, Niven, Norris, Owen, Parrish, Pettit, Pillsbury, Pollock, Ramsey, Rathbun, Ritter, Julius Rockwell, John A. Rockwell, Root, Runk, Sawtelle, Sawyer, Scammon, Schenck, Seaman, Severance, Truman Smith, A. Smith, Caleb B. Smith, Starkweather, Stewart, St. John, Strohm, Sykes, Thomasson, Benjamin Thompson, James Thompson, Thurman, Vinton, Wentworth, Wheaton, White, Wick, Williams, Wilmot, Winthrop, Woodworth, Wright, Young, and Yost—108.

**YAYS.**—Messrs. Stephen Adams, Barringer, Biggs, Jas. A. Black, Bowlin, Boyd, Brockenbrough, John G. Chapman, Reuben Chapman, Chase, Cobb, Cocke, Constable, Crozier, Cullom, Daniel, Garrett Davis, Dobbin, Dromgoole, Edwin H. Ewing, Ficklin, Graham, Haralson, Harmanson, Isaac E. Holmes, Edmund W. Hubbard, Charles J. Ingersoll, Joseph Johnson, Andrew Johnson, La Sere, Long, Lumpkin, McConnell, James McDowell, McKay, John P. Martin, Morse, Reid, Alexander D. Sims, Leonard H. Sims, Toombs, Trumbo, and Woodward—43.

So the amendment was concurred in.

## IN SENATE.

SATURDAY, August 8.

*Election of President Pro Tem.*

The Secretary announced that the business first in order was the election of a President *pro tem.*, and requested Senators to prepare the ballots.

On the eighth ballot, the result was announced as follows: Whole number of votes, 49; necessary to a choice, 25:

Atchison . . . . .	25
Niles . . . . .	10
Cameron . . . . .	4
Sturgeon . . . . .	3
Sevier . . . . .	2
Dickinson . . . . .	2
Hannegan . . . . .	1
Morehead . . . . .	1
Pierce . . . . .	1

Mr. ATCHISON having been escorted to the chair by Senators CALHOUN and CASS, called the Senate to order, and rose and said:

Gentlemen: This honor has been quite unexpected by me. The only return which I can make, will be an earnest effort to discharge the duty incumbent upon me with faithfulness and impartiality.

## HOUSE OF REPRESENTATIVES.

SATURDAY, August 8.

*Relations with Mexico.*

The SPEAKER, by consent, laid before the House the following Message from the President of the United States; which was read:

*To the Senate and House of Representatives of the United States:*

I invite your attention to the propriety of making an appropriation to provide for any expenditure which it may be necessary to make in advance for the purpose of settling all our difficulties with the Mexican republic. It is my sincere desire to terminate, as it was originally to avoid, the existing war with Mexico, by a peace just and honorable to both parties. It is probable that the chief obstacle to be surmounted in accomplishing this desirable object, will be the adjustment of a boundary between the two republics, which shall prove satisfactory and convenient to both, and such as neither will hereafter be inclined to disturb. In the adjustment of this boundary, we ought to pay a fair equivalent for any concessions which may be made by Mexico.

Under these circumstances, and considering the other complicated questions to be settled by negotiation with the Mexican republic, I deem it important that a sum of money should be placed under the control of the Executive, to be advanced, if need be, to the Government of that republic, immediately after their ratification of a treaty. It might be inconvenient for the Mexican Government to wait for the whole sum, the payment of which may be stipulated by this treaty, until it could be ratified by our Senate, and an appropriation to carry it into effect made by Congress. Indeed the necessity for its delay might defeat the object altogether. The disbursement of this money would of course be accounted for, not as secret service money, but like other expenditures.

Two precedents for such a proceeding exist in our past history during the Administration of Mr. Jefferson, to which I would call your attention. On the 26th February, 1802, an act was passed appropriating two millions of dollars "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," "to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be;" and on the 18th of February, 1806, an appropriation was made of the same amount, and in the same terms. In neither case was the money actually drawn from the treasury, and I should hope that the result in this respect might be similar on the present occasion, although the appropriation may prove to be indispensable in accomplishing the object. I would, therefore, recommend the passage of a law appropriating two millions of dollars, to be placed at the disposal of the Executive, for the purpose which I have indicated.

In order to prevent all misapprehension, it is my duty to state that, anxious as I am to terminate the existing war with the least possible delay, it will continue to be prosecuted with the utmost vigor, until a treaty of peace shall be signed by the parties and ratified by the Mexican republic.

JAMES K. POLK.

WASHINGTON, August 8, 1846.

The reading having been concluded—

Mr. DROMGOOLE moved the reference of the Message to the Committee of the Whole on the state of the Union.

AUGUST, 1846.]

Message—Foreign Intercourse.

[29TH CONG.]

And the question having been taken on the motion of Mr. DROMGOOLE, and decided in the affirmative—

The House resolved itself into Committee of the Whole on the state of the Union, (Mr. NORRIS, of New Hampshire, in the chair.)

On motion of Mr. McKAY, the committee proceeded to the consideration of the said Message, which was again read.

Whereupon Mr. McKAY offered a bill, (for the purpose, he said, of carrying into effect the recommendation of the President.)

And the bill was read as follows:

AN ACT making further provisions for the expenses attending the intercourse between the United States and foreign nations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum of \$2,000,000, in addition to the provision heretofore made, be, and the same is hereby appropriated, for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be.

Mr. CARROLL said that he had always understood that one of the principal causes of the existing war, was to obtain the amount of our claims upon Mexico. It had been said that she was indebted to us some ten or twenty millions for former spoliations on American property. We were now at war to get this money from the Mexican Government, and what necessity could there be for advancing to her two millions more? For what purpose was this money wanted? Did she want still more than all she owed us—a debt so just that we had been asked to go to war to obtain it? Had not the Executive already at his disposal all the indebtedness of the Mexican Government to negotiate terms of peace or concessions, as he understood the Message from once hearing it read in this hall? Must Congress go still further? Where was the necessity for this money, unless it was to carry out the ambitious views of the Executive for the enlargement of our territory beyond its rightful bounds? That was the obvious object of this Message. Two millions to negotiate a peace! and thus to get the payment of a debt of ten or twenty millions, after going to war and voting ten millions to conquer peace? To Mr. O., it looked very much as if this money was wanted to purchase California, and a large portion of Mexico to boot. Mr. O. would not trust the President with this large appropriation of money, unless he should tell us beforehand what it was for.

Mr. R. CHAPMAN moved that the committee rise.

Which motion having prevailed, the committee rose.

Whereupon Mr. McKAY offered a resolution, providing that all debate on the said Message shall terminate in two hours after it shall again have been taken up in committee. And he demanded the previous question.

The question was then taken on the demand of Mr. McKAY for the previous question.

And there was a second. The main question was ordered, and, being taken, the resolution was adopted.

#### Message—Foreign Intercourse.

On motion of Mr. McKAY, the committee proceeded under the resolution just adopted, limiting the time for debate of each member to ten minutes, to the consideration of the President's Message, and of the following bill, introduced this morning by Mr. McKAY:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum of \$2,000,000, in addition to the provision heretofore made, be, and the same is hereby appropriated, for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be.

Mr. WHITE said: Now, sir, we come to the subject before us—the Message of the President, and the bill appropriating, as recommended by that Message, two millions of dollars; and for what purpose? Why, sir, to buy a peace. Is that true? Has not the President ample power to conclude a peace with Mexico if she demands or desires one? Is the mode of warfare to be changed from fighting to purchasing? Who is to be bought? And what evidence have we that any body or thing is purchasable? Is this to be a corruption fund in the hands of the President, to use at his pleasure and discretion? Sir, I have no confidence in this application. We have no evidence before us of its necessity, no information of its use or application; we are in the dark, and required to vote in the dark, or be charged with opposing measures of peace. If there is the slightest prospect of peace, any glimmer or faint ray of that heavenly messenger, why could it not have been communicated to this House? I repeat, sir, I have no confidence in this application for money; territory is what is sought after, and I cannot give my sanction to this appropriation, unless the bill now upon your table shall be so amended, as to forever preclude the possibility of extending the limits of slavery. And I call upon gentlemen on the other side of the House to bring forward such amendments as shall effectually prevent the further acquisition of territory, which may be caused by the adoption of that institution. I call upon the other side of the House to propose such an amendment, not only as an evi-



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Message—Foreign Intercourse.

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dence of their desire to restrain that institution within its constitutional limits, but as a guarantee that the President will honestly and faithfully apply the funds so generously placed in his hands to the ends specified in his Message.

Mr. WINTHROP said: What was this bill? A bill to place two millions of dollars at the disposal of the President "for any extraordinary emergencies which might arise out of our intercourse with foreign nations." Not a word about peace. Not a word about Mexico. Not a syllable about the disputed boundaries on the Rio Grande. It was a vote of unlimited confidence in an Administration, in which, he was sorry to say, there was very little confidence to be placed. They might employ this money towards buying California, or buying Cuba, or buying Yucatan, or buying the Sandwich Islands, or buying any other territory they might fancy in either hemisphere. If we turned to the Message of the President, it was hardly more satisfactory. Nothing could be more evident than that this appropriation was asked for as the *earnest money* for a purchase of more territory. The Message expressly stated that it was to be used in part payment for any concessions which Mexico might make to us. The President already had the claims of our citizens to deal with, to the amount of three millions or more. Here were two millions more to be placed in his hands, in cash. What was to be the whole payment, for which five millions of dollars were wanted as an advance? And where was this territory to be? The Message, as if not willing to leave us wholly in the dark, had pointed expressly to the example of 1803, to the purchase of Louisiana; and this very bill (as Mr. W. understood) had been copied *verbatim* from the act by which that purchase was indirectly sanctioned. The President has thus called upon us, in language not to be misunderstood, to sanction, in advance, a new and indefinite acquisition of southern territory. To such an acquisition he (Mr. W.) was opposed. He had said heretofore, and he repeated now, that he was uncompromisingly opposed to extending the slaveholding territory of the Union. He wanted no more territory of any sort; but of this we had more than enough already.

Mr. WILMOT regretted that the President had not disclosed his views. He disliked to act in the dark on this or any subject. If this had been done, and it had been inexpedient to have received and deliberated upon it publicly, they might have gone into secret session. He would vote for this appropriation in case the amendment he intended to offer was adopted. He disagreed with some of his friends that this was an unnecessary war; he believed it a necessary and proper war. He believed it not to be a war of conquest; if so, he was opposed to it now and hereafter. If this country was now to be forced into such a war, he pronounced it against the spirit of the age, against the holy precepts of our religion; he was op-

posed to it in every form or shape. But he trusted it was not to be a war of conquest. He trusted that the President was sincerely ready to negotiate for an honorable peace.

But the President asked for two millions of dollars for concessions which Mexico was to make. We claim the Rio Grande as our boundary—that was the main cause of the war. Are we now to purchase what we claim as a matter of right? Certainly she was not to be paid for the debt she owes our citizens.

Mr. W. took it, therefore, that the President looked to the acquisition of territory in that quarter. To this he had no objection, provided it were done on proper conditions. On the contrary, he was most earnestly desirous that a portion of territory on the Pacific, including the Bay of San Francisco, should come into our possession by fair and honorable means, by purchase or negotiation—not by conquest.

But whatever territory might be acquired, he declared himself opposed, now and forever, to the extension of this "peculiar institution" that belongs to the South. He referred to the annexation of Texas, and to his affirmative vote on the proposition connected with it at this session; he was for taking it as it was; slavery had already been established there. But if free territory comes in, God forbid that he should be the means of planting this institution upon it.

He concluded by offering the amendment (which will be found below) providing against the establishment of slavery, or involuntary servitude, in any territory which may be acquired.

Mr. HUNT, of New York, was opposed to the bill, but was in favor of peace. He wished the Executive not to throw over his actions and designs a false coloring. He referred to the President's action in the conduct of the war, charging him with having intended war, and commenced action towards it, before he heard of the commencement of hostilities. This Message confirmed the impression that the object of the Executive was the extension of our territory south by fair means or by foul. Was it supposed that Mexico intended to fight us, and that this \$2,000,000 was necessary to bring her to terms? If the President desired peace on honorable terms with reference to the difficulties that then existed, Mr. H. would support him; but he was opposed to the acquisition of California, unless upon the terms proposed by the gentleman from Pennsylvania; the attempt to bring it in as slave territory would tend to a dissolution of the Union. He concluded by giving notice of an amendment.

Mr. ADAMS said: Without offering himself an amendment to this bill, he would request the gentleman who proposed it, (Mr. McKAY,) to make an amendment declaring that this appropriation of money shall be made for the purpose of negotiating a peace with Mexico. He should vote for the bill most heartily; and in this he differed from his colleague (Mr. WINTHROP) with equal regret to that with which

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he differed from him on the bill by which war was declared. He should now vote for the bill in any form, but he suggested to the gentleman from North Carolina (Mr. McKAY) to amend the bill, so as to specify expressly that the money is granted to the President for the purpose for which he has asked it in his Message—that is to say, for negotiating peace with Mexico. And, with that amendment, he would vote for it even without the adoption of the amendment of the gentleman from Pennsylvania, (Mr. WILMOT,) the object of which he approved with his whole heart, and he should like to see a resolution of the House added, interdicting the President of the United States from acquiring any territory which shall be the abode of slavery.

But in making peace with Mexico, he did not see how it was possible that there should be any acquisition on the part of the United States of territory burdened with slavery, slavery having been abolished many years throughout the whole of Mexico and Texas, and Texas having now been annexed to the United States, with the institution of slavery confirmed and sanctioned by the American nation itself. If Texas was, as Mexico claimed, a part of that Republic, slavery is abolished there; and that is one of the reasons why the war of Texas is a war for the institution of slavery—a war instituted by Texas herself. If, then, in this negotiation between the United States and Mexico, the disputed ground should be finally decided to belong to Mexico, as she claims, slavery is abolished, and Texas, as well as every other part of Mexico, is rid of that institution.

There are no slaves in California—slavery is abolished there; and if we were to make peace, and in that peace to acquire California, there could be no law of slavery established there, unless it was made an article of the treaty itself. This was a reason sufficiently strong to induce him to vote for this bill without adding to it what the gentleman from Pennsylvania proposed, of which he entirely approved.

Sir, (said Mr. A.,) I shall vote for the bill even in the form in which it is proposed, because I wish to take it, (and I receive it as refreshing, as the gentleman from South Carolina (Mr. HOLMES) welcomed and held that which was to me in no wise refreshing on the subject of the tariff,) that it is the desire of the President to make peace. In that I most heartily concur, and I would give two millions, and two millions added to that, and I do not know how much more, if it was necessary, for carrying into effect his purpose of making peace.

I do not find any thing in the Message of the President which should prevent me from voting for the bill as it stands; but that bill does not specify the case. It has no reference at all to the peace with Mexico. The Message says it is for the purpose of making peace with

Mexico; the form of the bill is for negotiation with foreign powers. Why, it may be, sir, with England, Spain, Cuba—it may be for God knows what. I want, in voting for a large appropriation of the money of the people, to be expended by the Executive, a full excuse and apology for so doing; and the object of negotiation of peace with Mexico is a full and sufficient object for that purpose. I am willing to vote the treasure of the nation for that object.

The time allotted to debate having expired, the committee proceeded to vote.

Mr. McKAY withdrew the bill moved by him, and submitted a modified proposition, as follows:

Whereas a state of war now exists between the United States and the Republic of Mexico, which it is desirable should be speedily terminated upon terms just and honorable to both nations: And whereas assurances have heretofore been given to the Government of Mexico, that it was the desire of the President to settle all questions between the two countries on the most liberal and satisfactory terms, according to the rights of each, and the mutual interests and security of the two countries: And whereas the President may be able to conclude a treaty of peace with the Republic of Mexico prior to the next session of Congress, if means for that object are at his disposal: And whereas, in the adjustment of so many complicated questions as now exist between the two countries, it may possibly happen that an expenditure of money will be called for by the stipulations of any treaty which may be entered into: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the sum of thirty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the President to enter upon negotiations for the restoration of peace with Mexico, whenever it shall be in his power to do so.

Sec. 2. *And be it further enacted,* That the sum of two millions of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to enable the President to conclude a treaty of peace with the Republic of Mexico, to be used by him in the event that said treaty, when signed by the authorized agents of the two Governments, and being ratified by Mexico, shall call for the expenditure of the same, or any part thereof, full and accurate accounts for which expenditure shall be by him transmitted to Congress at as early a day as practicable.

Mr. WILMOT moved an amendment, to add at the end of Mr. McKAY's modified bill the following:

*Provided,* That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.

The first section of the bill was still under

[1st Sess.]

Private Bills.

[August, 1846.]

consideration, and, after some conversation, the amendment of Mr. WILMOT was received as an amendment to this section.

Mr. DOBBS rose to a point of order. He contended that the amendment of the gentleman from Pennsylvania (Mr. WILMOT) was not in order, the subject of slavery having no connection with the bill.

The CHAIRMAN overruled the point of order. The bill (he stated) appropriated a certain sum of money to be put at the disposal of the President. It was certainly competent on the part of the House to adopt a provision limiting the application of the money, and providing that it should be applied only on certain conditions.

Mr. DOBBS appealed from the decision.

The question on the appeal was taken by tellers, and the decision of the Chairman was sustained—ayes 92, noes 87.

Thus the amendment was decided in order.

Mr. WICK moved to amend the amendment by inserting therein after the word "territory," the words "north of 36° 30' north latitude."

The amendment to the amendment was disagreed to—ayes 54, noes 89.

The question recurring on the original amendment of Mr. WILMOT, tellers were asked and ordered; and, the question being taken, it was decided in the affirmative—ayes 88, noes 64.

So the amendment was adopted.

The committee, on motion, rose and reported the message, together with the bill, to the House.

The bill was read a first and second time by its title.

The question was then taken on the engrossment, and decided in the affirmative, as follows:

YEAS.—Messrs. John Quincy Adams, Anderson, Arnold, Benton, J. Black, Brinkerhoff, Buffington, Wm. W. Campbell, John H. Campbell, Carroll, Chipman, Collin, Cummins, Cunningham, Dunlap, Edsall, Ellsworth, Erdman, Faran, Foster, Fries, Garvin, Gordon, Grider, Grover, Hamlin, Hampton, Henley, Elias B. Holmes, Hough, Samuel D. Hubbard, Hudson, Washington Hunt, James B. Hunt, Joseph R. Ingersoll, Jenkins, James H. Johnson, Preston King, Lawrence, Leib, Lewis, Levin, Maclay, McClean, McClelland, McCrate, McIlvaine, Marsh, Miller, Morris, Moseley, Moulton, Niven, Norris, Owen, Pollock, Rathbun, Ritter, Julius Rockwell, Root, Sawtelle, Scammon, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Starkweather, Stewart, St. John, Strohm, Strong, Sykes, Thompson, Benjamin Thompson, James Thompson, Thurman, Wentworth, Wheaton, White, Williams, Wilmot, Winthrop, Wood, and Yost—85.

NAYS.—Messrs. Stephen Adams, Atkinson, Barrenger, Bayly, Bedinger, Bell, Biggs, James A. Black, Bowlin, Brockenbrough, Bart, John G. Chapman, Reuben Chapman, Chase, Clarke, Cobb, Constable, Cranston, Crozier, Cullom, Daniel, Garrett Davis, Dobbin, Dockery, Douglas, Dromgoole, John H. Ewing, Edwin H. Ewing, Ficklin, Giles, Graham, Haralson, Harmanson, Harper, Hilliard,

Hoge, Isaac E. Holmes, Hopkins, John W. Houston, Edmund W. Hubbard, Hunter, Joseph Johnson, Andrew Johnson, Seaborn Jones, Kaufman, Leake, La Sere, Long, Lumpkin, McClelland, McConnell, James McDowell, McHenry, J. P. Martin, Barkley Martin, Morse, Payne, Pendleton, Perry, Phelps, Pillsbury, Ramsey, Reid, Rhett, John A. Rockwell, Runk, Alexander D. Sims, Leonard H. Sims, Simpson, Stephens, Jacob Thompson, Tibbatts, Toombs, Towns, Trumbo, Vinton, Woodward, Wright, and Young—79.

### *The Madison Papers.*

Mr. DROMGOOLE moved that the House resolve itself into Committee of the Whole on the state of the Union, with a view to move to take up the bill for the purchase of the manuscript papers of James Madison.

The motion was not pressed for the moment, and

Mr. McKAY remarked that the House was aware that two important appropriation bills were now pending between the two Houses. They had endeavored during the day to come to some agreement; they had agreed only in part upon the naval appropriation bill. In regard to the civil and diplomatic bill, he had attempted three times to have a conference with the Committee on Conference of the Senate, but had been unable to do so, the Senate having been engaged in Executive session. They were to meet to-morrow morning. So it was obvious that no agreement could be arrived at before to-morrow, and the report of the conferees would be enrolled, and (the two Houses concurring therein) there would be nothing to do but that the bill should be signed by the Speaker. He therefore begged leave to appeal to gentlemen, that a quorum of the House remain here until Monday morning, so that the public business could be finished. If you go off, said he, these important bills will be defeated, and the wheels of the Government will be stopped.

Mr. McKAY, in conclusion, submitted a motion, that, when the House adjourn, they adjourn to eight o'clock Monday morning.

The motion was agreed to.

The question recurring on the motion of Mr. DROMGOOLE, was taken, and decided in the negative.

Mr. HARALSON asked leave to make a report from the Committee on Military Affairs.

Mr. SCHENCK. Can the report be made without a suspension of the rules?

The SPEAKER replied in the negative.

Mr. SCHENCK. I object, then; the House would not allow a report to be made from the Committee on Public Lands, and I object to this.

### *Private Bills.*

Mr. KING, of New York, moved that the House proceed to the consideration of private bills from the Senate.

The question being taken—no quorum voted,

August, 1846.]

French Spoliations Bill.

[29TH CONG.]

And, on motion, the House adjourned at ten minutes to eleven o'clock.

IN SENATE.

MONDAY, August 10.

*French Spoliations Bill.*

The bill providing for the payment of claims for French spoliations prior to the year 1800, was returned to the Senate, with the reasons assigned by the President for withholding his approval therefrom. The following is the Message:

WASHINGTON, August 8, 1846.

*To the Senate of the United States:*

I return to the Senate, in which it originated, the bill entitled "An act to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801," which was presented to me on the 6th instant, with my objections to its becoming a law.

In attempting to give the bill the careful examination it requires, difficulties presented themselves in the outset, from the remoteness of the period to which the claims belong, the complicated nature of the transactions in which they originated, and the protracted negotiations to which they led between France and the United States. The short time intervening between the passage of the bill by Congress, and the approaching close of their session, as well as the pressure of other official duties, have not permitted me to extend my examination of the subject into its minute details. But, in the consideration that I have been able to give to it, I find objections of a grave character to its provisions.

For the satisfaction of the claims provided for, it is proposed to appropriate five millions of dollars. I can perceive no legal or equitable ground upon which this appropriation can rest. A portion of the claims have been more than half a century before the Government, in its executive or legislative departments, and all of them had their origin in events which occurred prior to 1800. Since 1802, they have been from time to time before Congress. No greater necessity or propriety exists for providing for these claims at this time, than has existed for near half a century; during all which period this questionable measure has never, until the present time, received the favorable consideration of Congress. It is scarcely probable, if the claim had been regarded as obligatory upon the Government, or constituting an equitable demand upon the treasury, that those who were contemporaneous with the events which gave rise to it, should not long since have done justice to the claimants. The treasury has often been in a condition to enable the Government to do so without inconvenience, if the claims had been considered just. Mr. Jefferson, who was fully cognizant of the early dissensions between the Government of the United States and France, out of which the claims arose, in his Annual Message in 1808, adverted to the large surplus then in the treasury, and its "probable accumulation," and inquired whether it should lie "unproductive in the public vaults;" and yet these claims, though then before Congress, were not recognized

or paid. Since that, the public debt of the Revolution and of the war of 1812 has been extinguished, and at several periods since the treasury has been in possession of large surpluses over the demands upon it. In 1836, the surplus amounted to many millions of dollars, and, for want of proper objects to which to apply it, it was directed by Congress to be deposited with the States.

During this extended course of time—embracing periods eminently favorable for satisfying all just demands upon the Government, the claims embraced in this bill met with no favor in Congress, beyond the reports of committees, in one or the other branch. These circumstances alone are calculated to raise strong doubts in respect to these claims; and especially as all information necessary to a correct judgment concerning them has been long before the public. These doubts are strengthened in my mind by the examination I have been enabled to give to the transactions in which they originated.

The bill assumes that the United States have become liable in those ancient transactions, to make reparation to the claimants for injuries committed by France. Nothing was obtained for claimants by negotiation; and the bill assumes that the Government has become many ways responsible for these claims. The limited time allowed me, before your adjournment, makes it impossible to reiterate the facts and arguments by which, in preceding Congresses, these claims have been successfully resisted. The present is a period particularly unfavorable for the satisfaction of claims of so large an amount, and, to say the least of them, of so doubtful a character. There is no surplus in the treasury. A public debt of several millions has been created within the last few years. We are engaged in a foreign war, uncertain as to its duration, and involving heavy expenditures; to prosecute which war, Congress has, at its present session, authorized a further loan. So that, in effect, the Government, should this bill become a law, would have to borrow money and increase the public debt to pay these claims. It is true that, by the provisions of the bill, payment is directed to be made in land scrip, instead of money, but the effect upon the treasury will be the same. The public lands constitute one of the sources of public revenue, and if these claims be paid in land scrip, it will, from the date of the issue, to a great extent, cut off from the treasury the annual income from the sale of public lands; because payments for the lands sold by the Government may be expected to be made in scrip until it is all redeemed. If those claims be just, they ought to be paid in money, and nothing less valuable. The bill provides that they shall be paid in land scrip, whereby they are in effect to be a mortgage upon the public lands in the new States—a mortgage, too, held in great part, if not wholly, by non-residents of the States in which the lands lie, who may secure these lands to the amount of several millions of acres, and then demand for them exorbitant prices from the citizens of other States who may desire to purchase them for settlement, or they may keep them out of the market, and thus retard the prosperity and growth of the States in which they are situated. Why this unusual mode of satisfying claimants upon the treasury has been resorted to, does not appear. It is not consistent with a sound public policy. If it be done in this case, it may be done

Last Sess.]

Negotiation with Mexico.

[August, 1848.]

in all others. It will form a precedent for the satisfaction of all other stale and questionable claims, and would undoubtedly be resorted to by all claimants, who, after successive trials, shall fail to have their claims recognized and paid in money by Congress.

The bill proposes to pay five millions of dollars, to be paid in land scrip, and provides "that no claim or memorial shall be received by the commissioners" authorized by the act, "unless accompanied by a release or discharge of the United States from all other and further compensation than the claimant may be entitled to receive under the provision of the act." These claims are estimated to amount to a much larger sum than five millions of dollars, and yet the claimant is required to release to the Government all other compensation, and to accept his share of a fund known to be inadequate.

If these claims be well founded, it would be unjust to the claimants to repudiate any portion of them, and the remaining sum could hereafter be resisted. The bill proposes to pay these claims not in the currency known to the constitution, and not to their full amount.

Passed, as this bill has been, near the close of the session, and when many measures of importance necessarily demand the attention of Congress, and possibly without that full and deliberate consideration which the large sum it appropriates, and the existing state of the treasury and of the country demand, I deem it to be my duty to withhold my approval, that it may hereafter undergo the revision of Congress. I have come to this conclusion with regret. In interposing my objections to its becoming a law, I am truly sensible that it should be an extreme case which would make it the duty of the Executive to withhold his approval of any bill passed by Congress upon the ground of its expediency alone. Such a case I consider this to be.

JAMES K. POLK.

The Message having been read,—

Mr. J. M. OLAYTON rose and said, it was the first instance, he believed, in the history of this Republic, in which the President of the United States had interposed his veto to the passage of a bill which involved no constitutional principle, no question of constitutional right, but which was founded entirely upon the ground of expediency. It was the first instance in which an Executive veto had been applied to what might properly be considered a private bill, upon any ground whatever. It was the first instance in which an executive Chief Magistrate, after acknowledging his imperfect acquaintance with the subject, after freely confessing that he had not extended his examination very minutely into the subject, had ventured the opinion that a measure of this description, which had passed the two Houses of Congress, was a measure of doubtful character, and ought not to become a law, thus rendering any further application on the part of those having claims within the provisions of the act, during his Administration utterly hopeless.

Mr. WEBSTER rose, and said that he very much wished for an opportunity to discuss at

length, and in a manner which the gravity of the subject demanded, this second veto of the session. He had wished also to take some appropriate opportunity to discuss the principles of the first veto; but he was conscious that the moments were flying, and that there were still important matters to be disposed of. He had wished, also, before leaving his seat there, if an opportunity had been afforded him, to review at some length, not so much for the Senate as for the country, the events of this extraordinary session of Congress; for that it was extraordinary, its results would show. At present, however, he would forbear. An occasion would soon offer, not in an official character, but while mingling among his fellow-citizens throughout the country. He would there express his sentiments at large. At present, he could do no more than protest against this veto, against the principle, as being a new and alarming extension of Executive authority, not justified, not countenanced, finding no precedent, no apology, in any previous exercise of Executive power under this constitution.

#### Negotiation with Mexico.

Mr. LEWIS moved that the Senate take up for consideration the bill from the House entitled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations," and demanded the yeas and nays upon his motion.

The question being put, the motion prevailed, upon a division—yeas 19, noes 10.

The bill having been read a first and second time, being then before the Senate as in Committee of the Whole—

Mr. LEWIS then moved to strike out the proviso which had been added to the bill in the House of Representatives, and which is as follows:

"Provided, That, as an express and fundamental condition of the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of any moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted."

Mr. DAVIS said he should like to hear some reason assigned for striking out this proviso.

Mr. LEWIS said there was no time now for giving reasons or making explanations.

Mr. DAVIS observed that this seemed like legislating under a high degree of steam-pressure. He then proceeded to examine the details of the bill. It proposed first, as he understood it, to appropriate thirty thousand dollars for the purpose of negotiating with Mexico, and afterwards it proposed to add two millions of dollars for something like the same purpose. He inquired why it was necessary that there should be the enormous appropriation of two millions of dollars for the purpose of negotiating a treaty with Mexico?

He asked, and he thought he had some right to demand, some explanation of a provision of this description, when it was clearly understood here, and everywhere throughout this country, that the United States was not the debtor of Mexico; that she had no pecuniary claims upon this country whatever. On the contrary, it was alleged as one of the reasons why this country should make war against that Republic, that she was largely indebted to the United States. A refusal on her part to make prompt payment of those debts was alleged as one of the causes for the hostility which now exists. It was alleged that Mexico had refused to do us that justice which was due to us from her, and that therefore the war was undertaken in order to compel her to do justice. What, then, were the two millions of dollars wanted for? Certainly not for the purpose of cancelling any obligation existing between us and her. What, then, is its purpose? It has been intimated that it was to be appropriated for the purpose of acquiring additional territory; and, if he could understand another section of the bill rightly, (he meant the one which was now proposed to be stricken out,) that was the object. If the clause which it was proposed should be stricken out had any signification at all, it clearly showed that the object of the appropriation was the acquisition of territory. He was anxious to see the difficulty now existing between this country and the Republic of Mexico adjusted, and if any gentleman, either here or elsewhere, would show that this sum of two millions of dollars was necessary to accomplish that object, he would very cheerfully vote for it. But, perceiving no such necessity to exist, he was necessarily obliged to suppose that other objects and other views were entertained, and that it was not for the purpose of settling the controversy between the two countries in regard to the boundary of Texas. What, then, was its object? They were forced unavoidably to the conclusion that it was an appropriation for the purpose of acquiring territory. And of what possible utility, he asked, was it to the United States to acquire further accessions of territory? How long was it since the question of the annexation of Texas had ceased to agitate the public mind? How long was it since the public feeling had been manifested upon this point, that the boundary of the United States had been extended as far as it was desirable that it should at present be extended?

[A message from the House of Representatives was here delivered.]

Mr. D. resuming, said: I am entirely aware, Mr. President, that this is not the time nor the season for debating questions of this magnitude. It would have been much better if the question had been presented at an earlier period of the session to the consideration of Congress, that it might have received a suitable degree of consideration. But I return to the inquiry, why should this clause be stricken out? The

House of Representatives has seen fit to insert in the bill that, if there be an acquisition of territory, involuntary servitude shall not exist within that territory. Now, I should like to hear some reasons, if there be any, why it should exist. I should like to hear some good and sufficient reason, such as would satisfy the country.

[A Message was here received from the President of the United States.]

I was saying, Mr. President, that I would be glad to hear some good and sufficient reason why this provision should not remain in the bill, in case an acquisition of territory is to be made. Where is the ambition of this country, of this Government, going to lead us? What is going to be acquired?

Mr. LEWIS hoped the Senator would allow him to make a suggestion. They had but twenty minutes of their existence remaining. If the Senator desired to make a speech upon this subject, he hoped he would have no objection to the introduction of a resolution for rescinding the one by which Congress had agreed to adjourn at twelve o'clock this day.

Mr. DAVIS. I shall occupy but a few minutes.

Mr. LEWIS. Will you allow me to introduce the resolution?

Mr. DAVIS. After I have finished.

Mr. LEWIS. But it will then be too late.

Mr. DAVIS. I promise the gentleman that I will stop before the time for adjournment arrives.

Mr. LEWIS. The other House may adjourn in the mean time.

[A message was here received from the House.]

Mr. DAVIS resumed. It is impossible, Mr. President, under the circumstances which exist, to discuss this question; it is impossible to reason upon it, in consequence of these frequent interruptions; but, sir, I protest (and, as far as my own vote is concerned, it shall not prevail) against the proposition now made to amend the bill. I am quite satisfied with that provision of the bill as it stands, and if it had been originally introduced here, it would, if the bill is to pass, have my approbation; if there is to be any accession or acquisition of territory, that provision should be appended to the bill, and made a part of it. His friends from the southern country could not certainly consider it at all offensive towards them that he should be in favor of retaining it, or if he should say to them that they seemed to be a little ambitious in this matter. The acquisition of territory on our southern limits redounded to their benefit altogether; the newly acquired territory ranged itself under their banner. How many Senators were there even now who owed their seats to accession of territory, made since the formation of the Union? There were at least eight or ten. And while contemplating the acquisition of territory extensive enough to furnish ten more States, I would like to know if their interest alone is to be consulted?

[1st Sess.]

Adjournment.

[August, 1846.]

If California is to be annexed, that vast region, comprehending one-third at least of the Mexican Republic, with institutions assimilating themselves to those of the Southern States of this Union, I say it seems to me to be a matter which well deserves the attention of the free States, in order that the equipoise of power may not be completely subverted, and made to incline in favor of their Southern friends.

Mr. LEWIS. I would thank the gentleman to allow me to introduce this resolution.

[Cries of "No," "no," "no," on the left of the Chamber.]

The VICE PRESIDENT. Does the Senator from Massachusetts yield the floor?

Mr. DAVIS. I do not, sir. I told the gentleman I would conclude before the hour of adjournment arrived. I have said, Mr. President, not all I desired to say—for I could desire to say a great deal upon this subject—but about all which the time will permit me to say. It is a matter pregnant with consequences that are highly alarming to the country; it is a matter that will agitate the country from one end of it to the other, and it does seem to me that when you pass a bill of this description, containing an appropriation of two millions of dollars—

[A message was received from the President of the United States.]

containing, I say, an appropriation of two millions of dollars, for the purpose of accomplishing the restoration of peace by an acquisition of territory, that it is tantamount to a declaration that no peace can be made until that territory is acquired. It is an expression here, in the face of the country, that this war, begun as it was without occasion, as I think, is to be continued until this acquisition of territory is made, be it a longer or a shorter period of time. Now, with all due deference to the President of the United States, and all those who entertain a different opinion from myself on this subject, I am obliged to conclude—the conviction forces itself upon my mind—that if you pass a measure of this kind, you declare that no peace is to be made until the object which is here signified is accomplished. Pass this bill, and the President of the United States will feel justified in prolonging the war until this object is accomplished, and this additional territory is acquired, on the ground that Congress had given an opinion favorable to this view of the subject. The effect would be, in my judgment, to prolong this war, instead of hastening its conclusion. And this I say, because I see no evidence here that the Republic of Mexico has made any advances which justify the conclusion that she is anxious to make this sort of settlement by a concession of territory. Well, how can I resist the conviction I have expressed, that the war is to be continued under the sanction of Congress? I am anxious for the re-establishment of peace, and unwilling that the question should be entangled with the question of the

acquisition of territory. Let us meet the question promptly and fairly, and as speedily as possible. The sooner the better. You have an army embodied; and you propose that that army shall prosecute the campaign—

Mr. LEWIS. It is needless for the gentleman to proceed any further—

The VICE PRESIDENT. Does the Senator from Massachusetts yield the floor?

Mr. DAVIS. For a question of order. Otherwise not.

Mr. LEWIS. I merely wish to state the fact that the House has adjourned.

[A final message from the House was here delivered.]

Mr. DAVIS (proceeding) said, I cannot too strongly impress upon your mind, Mr. President, and upon the minds of the Senators, the view which I take of this subject.

Mr. McDUFFIE. I understand that the House has adjourned. I move, therefore, that the Senate proceed to the consideration of Executive business.

The motion was unanimously agreed to; and the Senate, the hour of twelve having arrived, proceeded to the consideration of Executive business, and, after a short time, adjourned *sine die*.

## HOUSE OF REPRESENTATIVES.

MONDAY, August 10.

## Adjournment.

Mr. WINTHROP inquired of the Speaker, whether, in carrying out the joint resolution, the Speaker intended to be guided by the time of the House or of the Senate?

The SPEAKER. By the time of the House.

Mr. WINTHROP was understood to suggest that there was a difference between the clock of the Senate and that of the House of about seven or eight minutes—the latter being so much in advance of the former.

Mr. JACOB THOMPSON expressed the hope that the Senate time would be taken, so as to admit of action on the bills yet between the two Houses.

Many voices: "Twelve o'clock, twelve o'clock."

The SPEAKER rose.

Mr. BIES from the Committee on Enrolled Bills, was seen at this instant hastening down one of the side aisles with an enrolled bill in his hand, and made his report at the Speaker's table.

And the Speaker's hammer fell on the table before him.

The SPEAKER. Gentlemen: The hour of twelve, at which the two Houses, by their joint resolution, agreed to adjourn, having arrived, I pronounce this House adjourned until the first Monday in December next.

## EXECUTIVE JOURNAL OF THE SENATE OF THE UNITED STATES.

IN SENATE OF THE UNITED STATES,  
August 7, 1846.

*Resolved*, That the injunction of secrecy be removed from all the correspondence heretofore communicated to the Senate in Executive session relative to the Oregon territory.

IN SENATE OF THE UNITED STATES,  
July 10, 1846.

*Resolved*, That the injunction of secrecy be forthwith removed from the treaty with Great Britain relative to the Oregon territory, and the correspondence which accompanied it, and all the proceedings thereon, including the speeches and remarks of Senators.

IN SENATE OF THE UNITED STATES,  
August 8, 1846.

*Resolved*, That 2,000 copies of the journal, correspondence, and documents connected with the Oregon treaty, be printed for the use of the Senate.

WEDNESDAY, JUNE 10.

*Executive proceedings, correspondence, and documents, relating to Oregon, from which the injunction of secrecy has been removed.*

A Message was received from the President of the United States, by Mr. Walker, his Secretary.

*To the Senate of the United States:*

I lay before the Senate a proposal, in the form of a convention, presented to the Secretary of State on the sixth instant, by the Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, for the adjustment of the Oregon question, together with a protocol of this proceeding. I submit this proposal to the consideration of the Senate, and request their advice as to the action which, in their judgment, it may be proper to take in reference to it.

In the early periods of the Government, the opinion and advice of the Senate were often taken in advance upon important questions of our foreign policy. General Washington repeatedly consulted the Senate, and asked their previous advice upon pending negotiations with foreign powers; and the Senate in every instance responded to his call by giving their advice, to which he always conformed his action. This practice, though rarely resorted to in latter times, was, in my judgment, eminently wise, and may on occasions of great importance, be properly revived. The Senate are a branch of the treaty-making power; and, by consulting them in advance of his own action upon important measures of foreign policy, which may ultimately come before them for their consideration, the President secures harmony of action between that body and himself. The Senate are, moreover, a branch of the war-making power, and it may be eminently proper for the Executive to take the opinion and advice of that body in advance, upon any great question which may involve in its decision the issue of peace or war. On the present occasion the magnitude of the subject would induce me, under any circumstances, to desire the previous advice of the Senate; and that desire is increased by the recent debates and proceedings in

Congress, which render it, in my judgment, not only respectful to the Senate, but necessary and proper, if not indispensable, to insure harmonious action between that body and the Executive. In conferring on the Executive the authority to give the notice for the abrogation of the convention of 1827, the Senate acted publicly so large a part, that a decision on the proposal now made by the British Government, without a definite knowledge of the views of that body in reference to it, might render the question still more complicated and difficult of adjustment. For these reasons I invite the consideration of the Senate to the proposal of the British Government for the settlement of the Oregon question, and ask their advice on the subject.

My opinions and my action on the Oregon question were fully made known to Congress in my annual Message of the second December last; and the opinions therein expressed remain unchanged.

Should the Senate, by the constitutional majority required for the ratification of treaties, advise the acceptance of this proposition, or advise it with such modifications as they may, upon full deliberation, deem proper, I shall conform my action to their advice. Should the Senate, however, decline by such constitutional majority to give such advice, or to express an opinion on the subject, I shall consider it my duty to reject the offer.

I also communicate herewith an extract from a despatch of the Secretary of State to the Minister of the United States at London, under date of the twenty-eighth of April last, directing him, in accordance with the joint resolution of Congress "concerning the Oregon Territory," to deliver the notice to the British Government for the abrogation of the convention of the 6th of August, 1827; and also a copy of the notice transmitted to him for that purpose, together with extracts from a despatch of that Minister to the Secretary of State, bearing date on the eighteenth day of May last.

JAMES K. POLK.

WASHINGTON, June 10, 1846.

On motion by Mr. ALLEN, that the message and documents communicated therewith be referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate,

A division of the question was called by Mr. McDUFFIE; and on the question, "that the message and documents communicated therewith be referred to the Committee on Foreign Relations?" it was determined in the negative—yeas 9, nays 37.

On motion by Mr. HANNEGAN, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Allen, Ashley, Atherton, Breese, Cass, Dickinson, Fairfield, Hannegan, and Turney.

Those who voted in the negative are,

Messrs. Archer, Bagby, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, Colquitt, Corwin, Davis, Dayton, Dix, Greene, Haywood, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps,



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Rusk, Simmons, Speight, Upham, Webster, Westcott, Woodbridge, and Yulee.

So the motion to refer was rejected.

On the question to agree to the second clause of the motion, on motion by Mr. TURNER that it lie on the table—it was determined in the affirmative—yeas 27, nays 21.

On motion by Mr. HANNEGAN, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

Messrs. Archer, Benton, Berrien, Calhoun, Chalmers, John M. Clayton, Colquitt, Davis, Dayton, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Pennybacker, Phelps, Rusk, Speight, Turney, and Upham.

Those who voted in the negative are,

Messrs. Allen, Ashley, Atherton, Bagby, Breese, Cass, Corwin, Dickinson, Dix, Fairfield, Hannegan, Jarnagin, Jenness, Niles, Semple, Sevier, Simmons, Webster, Westcott, Woodbridge, and Yulee.

On motion by Mr. HANNEGAN, that the further consideration of the Message and accompanying documents be postponed until Monday next the 15th instant, it was determined in the negative—yeas 18, nays 35.

On motion by Mr. HANNEGAN, the yeas and nays being desired by one-fifth of the Senators present.

Those who voted in the affirmative are,

Messrs. Allen, Atherton, Breese, Cass, Colquitt, Dickinson, Fairfield, Hannegan, Jarnagin, Jenness, Rusk, Semple, and Westcott.

Those who voted in the negative are,

Messrs. Archer, Ashley, Bagby, Benton, Berrien, Calhoun, Chalmers, John M. Clayton, Corwin, Davis, Dayton, Dix, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, and Yulee.

So the motion to postpone was rejected.

#### THURSDAY, JUNE 11.

On motion by Mr. MANGUM, the Senate proceeded to consider the Message of the President of the United States of the 10th instant, communicating a proposal for the adjustment of the Oregon question; and after debate,

Mr. HAYWOOD submitted the following resolution for consideration:

*Resolved*, (two-thirds of the Senators present concurring,) That the President of the United States be, and he is hereby, advised to accept the proposal of the British Government, accompanying his message to the Senate, dated 10th June, 1846, for a convention to settle boundaries, &c., between the United States and Great Britain west of the Rocky or Stony Mountains.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On motion by Mr. NILES, that it be amended, by adding thereto the following:

With the following proviso at the end of the second article of the proposed convention, to wit:

"*Provided*, That the rights of navigation secured to British subjects, by this article, be limited to the year A. D. 1859, when they shall cease and determine."

After debate, on motion by Mr. BENTON, the Senate adjourned.

#### FRIDAY, JUNE 12.

The Senate proceeded to consider the resolution submitted by Mr. HAYWOOD on the 11th instant, together with the amendment proposed thereto by Mr. NILES; and after debate, Mr. NILES, by unanimous consent, modified his proposed amendment to read as follows:

With the following proviso at the end of the second article of the proposed convention, to wit:

"*Provided*, That the right of navigating the Columbia River, secured to the Hudson Bay Company, and to all British subjects trading with the same, be limited to the year A. D. 1863, when it shall cease and determine."

On the question to agree thereto, it was determined in the negative—yeas 10, nays 31.

On motion by Mr. NILES, the yeas and nays being desired by one-fifth of the Senators present, those who voted in the affirmative are,

Messrs. Ashley, Atherton, Bagby, Dix, Fairfield, Houston, Jenness, Niles, Simmons, and Woodbridge.

Those who voted in the negative are,

Messrs. Archer, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Davis, Dayton, Evans, Greene, Haywood, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Pearce, Pennybacker, Phelps, Rusk, Sevier, Speight, Turney, Upham, Webster, and Yulee.

So the proposed amendment was rejected.

On the question to agree to the resolution, it was determined in the affirmative—yeas 38, nays 12.

Those who voted in the affirmative are,

Messrs. Archer, Ashley, Bagby, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Davis, Dayton, Dix, Evans, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, and Yulee.

Those who voted in the negative are,

Messrs. Allen, Atherton, Breese, Cameron, Cass, Dickinson, Fairfield, Hannegan, Jarnagin, Jenness, Semple, and Sturgeon.

So it was

*Resolved*, (two-thirds of the Senators present concurring,) That the President of the United States be, and he is hereby, advised to accept the proposal of the British Government, accompanying his message to the Senate, dated 10th June, 1846, for a

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convention to settle boundaries, &c., between the United States and Great Britain, west of the Rocky or Stony Mountains.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

TUESDAY, June 16.

A Message was received from the President of the United States, by Mr. Walker, his Secretary.

*To the Senate of the United States:*

In accordance with the resolution of the Senate of the 12th instant, that "the President of the United States be, and he is hereby, advised to accept the proposal of the British Government, accompanying his message to the Senate, dated 10th June, 1846, for a convention to settle boundaries, &c., between the United States and Great Britain west of the Rocky or Stony Mountains," a convention was concluded and signed on the 15th instant, by the Secretary of State on the part of the United States, and the Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty on the part of Great Britain.

This convention I now lay before the Senate for their consideration, with a view to its ratification.

JAMES K. POLK.

WASHINGTON, June 16, 1846.

The Message was read, and also the convention between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th day of June, 1846, was read a first time.

THURSDAY, June 18.

The Senate proceeded, as in Committee of the Whole, to consider the treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th

day of June, 1846. And no amendment being made thereto, it was reported to the Senate.

Mr. McDuffie submitted the following resolution for consideration:

*Resolved*, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th day of June, 1846.

The Senate by unanimous consent proceeded to consider the said resolution.

On the question to agree to the resolution, it was determined in the affirmative—yeas 41, nays 14.

Those who voted in the affirmative are,

Messrs. Archer, Ashley, Bagby, Barrow, Benton, Berrien, Calhoun, Chalmers, Thomas Clayton, John M. Clayton, Colquitt, Oorwin, Crittenden, Davis, Dayton, Dix, Evans, Greene, Haywood, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Lewis, McDuffie, Mangum, Miller, Morehead, Niles, Pearce, Pennybacker, Phelps, Rusk, Sevier, Simmons, Speight, Turney, Upham, Webster, Woodbridge, and Yulee.

Those who voted in the negative are,

Messrs. Allen, Atchison, Atherton, Breese, Bright, Cameron, Cass, Dickinson, Fairfield, Hannegan, Jenness, Semple, Sturgeon, and Westcott.

So it was resolved, (two-thirds of the Senators present concurring,) that the Senate advise and consent to the ratification of the treaty between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concluded at Washington the 15th day of June, 1846.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

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